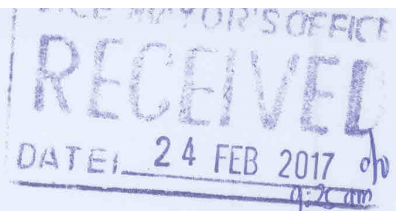


REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE
FOURTEENTH SANGGUNIANG PANLUNGSOD NG ORMOC HELD
AT THE SANGGUNIANG PANLUNGSOD SESSION HALL,
ORMOC CITY HALL BUILDING
ON FEBRUARY 09, 2017



PRESENT:

Leo Carmelo L. Locsin, Jr.
Rolando M. Villasencio,
Vincent L. Rama,
Mario M. Rodriguez
Tomas R. Serafica,
Benjamin S. Pongos, Jr.,
Eusebio Gerardo S. Penserga,
Gregorio G. Yrastorza III
Nolito M. Quilang
John Eulalio Nepomuceno O. Aparis II,

Lea Doris C. Villar
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
SP Member
SP Member
SP Member
SP Member
SP Member

Minority Floor Leader
SP Member, Asst. Minority Floor Leader
Ex-Officio SP Member
Chapter President, Liga ng mga Barangay ng Ormoc

PREFATORY STATEMENT

WHEREAS, the National Government enacted Republic Act No. 10054, also known as, "MOTORCYCLE HELMET ACT OF 2009", passed into law last December 16, 2009, which mandates all motorcycle riders, including drivers and back riders to wear standard protective motorcycle helmets at all times while driving, whether long or short drives, in any type of roads and highways all over the country;

WHEREAS, the World Health Organization (WHO) reported that "Most Motorcycle-Related Deaths" are results of head injuries. While the appropriate wearing of a Standard Helmet can cut the risk of death by almost Forty Percent (40%);

WHEREAS, the Philippine National Police (PNP) revealed that road accidents, especially involving Motorcycles, Scooters, and Mopeds, are among the leading causes of deaths in the Philippines, and this finding was also supported by the Department of Health (DOH) that currently road accidents ranked fourth in the cause of deaths in the Philippines;

WHEREAS, based on the statistical data gathered by the City Traffic Office of Ormoc City, out of the total number of Three Hundred Seventeen (317) "Traffic Related Accidents within Ormoc City", One Hundred Eighty Seven (187) thereof are "Motorcycles, Scooters, and Mopeds Driving Related" for the period of January to August 2016;

WHEREAS, this legislative action and proposal is pursuant to Article II, Section 458 of Republic Act No. 7160 otherwise known as the "Local Government Code of 1991", empowering the Sangguniang Panglungsod to regulate the use of streets, traffic, and providing penalties thereof;

Ord. No. 017

WHEREAS, there is a need to enact a City Ordinance related thereto, and in compliance with Republic Act No. 10054, in order to have a more specific law, that is more or less tailored-fit, and in conformity with the present need of the City of Ormoc;

WHEREFORE, all foregoing premises considered, on motion of SP Member Gregorio G. Yrastorza III, Chairman, Committee on Police, Fire & Penology, severally seconded by SP Members Mariano Y. Corro, Lea Doris C. Villar, John Eulalio Nepomuceno O. Aparis II, Nolito M. Quilang and Tomas R. Serafica; be it

RESOLVED, at it is hereby RESOLVED to Enact:

ORDINANCE NO. 017

AN ORDINANCE REQUIRING ALL DRIVERS AND TANDEM OR BACK RIDER OR PASSENGER OF MOTORCYCLES, SCOOTERS AND MOPEDS TO WEAR PROTECTIVE HELMETS WHILE DRIVING WITHIN ORMOC CITY AND IMPOSING CORRESPONDING PENALTY FOR VIOLATION THEREOF.

BE IT ORDAINED, by the 14th Sangguniang Panlungsod ng Ormoc in session duly assembled that:

SECTION 1. This ordinance shall be called "**ORMOC CITY PROTECTIVE HELMET ORDINANCE OF 2017**".

SECTION 2. SCOPE. This ordinance shall require the wearing or appropriate use of protective helmets by all motorcycles, scooters and moped or other three-wheeled vehicles allowed by the Land Transportation Office (LTO) drivers and rider or passenger while driving and or riding said vehicles within Ormoc City.

SECTION 3. DEFINITION OF TERMS.

- a. Motorcycles, Scooters and Mopeds** - means those two-wheeled vehicles powered by fuel combustion or electricity or other three-wheeled vehicles allowed by the Land Transportation Office (LTO);
- b. Protective Helmet** - means a helmet that primarily intends to protect the wearer's head against impact; based on the Philippine National Standard (with PNS or UN ECE 22:2007 marking), and approved by the Bureau of Product Standards of the Department of Trade and Industry (DTI);
- c. Shell** - means the hard part of the protective helmet which gives it its general shape;
- d. Protective padding** - means a material used to absorb impact energy;
- e. Comfort Padding** - means a material provided for the wearer's comfort;
- f. Retention System** - means the complete assembly by means of which the helmet is maintained in position on the head, including any devices for adjust of the system or to enhance the wearer's comfort;
- g. Chin Strap** - means a part of the retentive system consisting of a strap that passes under the wearer's jaws to keep the helmet in position;

- h. Chin Cup** - means an accessory of the chin strap that fits around the point of the wearer's chin;
- i. Full Faced Tinted Visor** - means a one-way dark protective screen extending over the eyes and covering all part of the face;
- j. Philippine National Standard** (with PNS/UN ECE 22:2007 marking) - means the adoption of the standard specifications and test methods of the United Nations ECE Regulations 22: 2002, Uniform Provisions Concerning the Approval of Protective Helmets and their Visors for Drivers and Passengers of Motorcycles and Mopeds upon the recommendation of the Bureau of Product Standard's Technical Committee on Road Vehicles and its Sub-Committee on Motorcycles (BPS or TC44 or SC22);
- k. Mask or Bonnet** - means any cloth or material covering any part of the face of the motorcycle, scooter or moped or other three-wheeled vehicles allowed by the Land Transportation Office (LTO) driver and or rider or passenger;
- l. Driver** - shall mean the one operating or driving the motorcycle, scooter or moped or other three-wheeled vehicles allowed by the Land Transportation Office (LTO);
- m. Rider** - shall mean any person riding on the motorcycle, scooter or moped or other three-wheeled vehicles allowed by the Land Transportation Office (LTO) but not necessarily driving the same.

SECTION 4. It is hereby prohibited to drive or ride a motorcycle, scooter or moped or other three-wheeled vehicles allowed by the Land Transportation Office (LTO) in Ormoc City without using the prescribed protective helmet, which should bear the ICC or PS mark, as defined by existing laws, per PNS or UN ECE 22:2007 of the Department of Trade and Industry (DTI) which shall be properly strapped with its chin strap and chin cup.

SECTION 5. It is hereby prohibited for a driver to allow a rider or passenger without the use of the above described protective helmet which shall be properly strapped with its chin strap and chin cup.

SECTION 6. It is hereby prohibited for any driver and or rider to wear mask and or bonnet without a helmet while driving or riding motorcycle, scooter or moped or other three-wheeled vehicles allowed by the Land Transportation Office (LTO).

SECTION 7. PENAL CLAUSE. Any driver violating this Ordinance shall be penalized by a **Fine of Not Less Than One Thousand Pesos (Php 1,000.00), and Not More Than Five Thousand Pesos (PhP 5,000.00), and/or Imprisonment of Not More Than One (1) year**, at the discretion of the court. The violator may opt to pay an **Administrative Fine of One Thousand Pesos (PhP 1,000.00)** to the Office of the City Treasurer of Ormoc.

SECTION 8. NON-APPLICABILITY CLAUSE. This Ordinance shall not apply to motorcycles with sidecars.

SECTION 9. SEPARABILITY CLAUSE. If for any reason, any provision, portion or part of this ordinance is found to be inconsistent with any law, other provisions or part or parts thereof not so affected shall remain in full force and effect.

Ord. No. 017

SECTION 10. REPEALING OR AMENDATORY CLAUSE. All ordinances rules and regulations or part or parts thereof, which are inconsistent or in conflict with the provisions of this ordinance are hereby repealed, amended and or modified accordingly.

SECTION 11. EFFECTIVITY. This Ordinance shall take effect upon its approval and publication in the local newspaper of general circulation, and posting in conspicuous places in the City of Ormoc as required under the Local Government Code.

ENACTED, February 09, 2017.

RESOLVED, FURTHER, to furnish copies of this ordinance one each to the City Mayor Richard I. Gomez; the City Administrator; the Acting City Legal Officer; the City Treasurer; the OIC-City Director, DILG; the PNP City Director; the PNP - City Traffic Chief; the President, Liga ng mga Barangay; and other offices concerned;

CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the above ordinance.


MARIA ANTONIETA G. CO HAT
(OIC - SP Secretary)
Supervising Administrative Officer

ATTESTED:


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

APPROVED:


RICHARD I. GOMEZ
City Mayor

01 MAR 2017

(Date)