

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SIXTH
MUNICIPAL BOARD OF ORMOC CITY, PHILIPPINES, HELD AT
ITS SESSION HALL ON APRIL 17, 1968



PRESENT:

Hon. Jesus B. Lladoc, Vice-Mayor, Presiding Officer
Hon. Juanito T. Kangleon, City Councilor
Hon. Jose C. Aviles, City Councilor
Hon. Cesar Samson, City Councilor
Hon. Eduardo P. Tan, City Councilor
Hon. Albino P. Porcadilla, City Councilor
Hon. Jose G. Navarro, City Councilor
Hon. Rafael M. Mejia, City Councilor

ABSENT (in this particular resolution):

Hon. Gregorio C. Yrastorza, Floor Leader

RESOLUTION NO. 126

"WHEREAS, after a series of public hearings conducted by the Honorable Committee on Laws and Ordinances chaired by Councilor Albino P. Porcadilla and joined in by the Honorable City Vice-Mayor and Presiding Officer of this Board with various operators and maintainers of motor vehicles, as well as rig owners and drivers, for the purpose of updating all ordinances, rules and regulations relative to the operation and maintenance of all vehicles, the Committee has impressed upon this august Body the urgency to amend and revise all ordinances pertaining thereto, including motorized tricycles; for public conveyance and other purposes;

"NOW, THEREFORE, on motion of Councilor Porcadilla, seconded by Councilor Kangleon;

"RESOLVED, to adopt:

ORDINANCE NO. 36

*Amended
Res. III, Ord. 56
8-19-70*

AN ORDINANCE AMENDING AND REVISING ALL ORDINANCES PERTAINING TO THE OPERATION AND MAINTENANCE OF ALL VEHICLES, INCLUDING MOTORIZED TRICYCLES, FOR PUBLIC CONVEYANCE AND OTHER PURPOSES IN ORMOC CITY.

BE IT ORDAINED, by the Municipal Board of Ormoc City, That:

ARTICLE I - GENERAL PROVISIONS

SECTION 1. Title of the Ordinance. - This Ordinance, shall, henceforth, be called the "Public Conveyance Ordinance" of Ormoc City.

SECTION 2. Regulations for operation and maintenance. - The operation and maintenance of any motor vehicle for purposes of a public conveyance in Ormoc City are hereby regulated subject to the following:

- a) Republic Act No. 4136, otherwise known as the Land Transportation and Traffic Code;
- b) Municipal Ordinance No. VI, series of 1955, Ormoc City;
- c) Municipal Ordinance No. 38, series of 1964, otherwise known as the Parking Fee Ordinance of Ormoc City;
- d) Municipal Ordinance No. 5, series of 1968, otherwise known as the Flag Ordinance of Ormoc City;
- e) Municipal Ordinance No. 9, series of 1968, otherwise known as the Anti-Noise Ordinance of Ormoc City;

f) Rules and regulations promulgated by the Traffic Control Division, Ormoc City Police Department;

g) LTC Circular No. 7 dated February 1, 1968, pursuant to LTC resolution dated January 13, 1967; and

h) Other ordinances, rules or regulations promulgated by the Municipal Board of Ormoc City from time to time.

SECTION 3. Refusing to conduct a passenger. - It shall be unlawful for a driver of any rig or tartanilla, AC or autocalesa, motorized tricycle, or the like, to refuse, without justifiable cause, to conduct a passenger or passengers whose destination is within the area or boundary limit of the vehicle's operation.

ARTICLE II - MOTORIZED TRICYCLES

SECTION 4. Definition of term and classification. - By the term "motorized tricycle" is meant any motor bicycle, motorcycle, scooter, or the like, having each for purposes of a public conveyance a sidecar to carry passengers, cargoes, or the like, the same being hereby classified as follows:

Class "A" - Jeep type with maximum capacity of four (4) passengers, excluding the driver; and

Class "B" - Ordinary type with maximum capacity of two (2) passengers, excluding the driver.

SECTION 5. Rules and regulations covering motorized tricycles. - In addition to the provisions of Section 1 hereof with reference to motorized tricycle used as a public conveyance, the following rules and regulations shall cover the same:

1. Operators or maintainers shall be required to secure from the Office of the City Mayor a permit for each vehicle to operate before proceeding to secure registration and other pertinent papers;

2. It shall be the duty of operators or maintainers to make or cause to be made a regular and careful inspection and repair of every vehicle for the safety of passengers;

3. Each vehicle must be provided with lights (two at the front and two at the rear, i. e., one each for the motorcycle or the like and the sidecar itself, front and rear) and other accessories for the safety of passengers and pedestrians at night;

4. It shall be unlawful for any operator or driver to collect a fare of more than ten centavos (P0.10) for every adult passenger within the poblacion or from the poblacion to Camp Downes community, Punta, and Cogon Combado (as far as the Ormoc General Hospital), or vice versa: PROVIDED, That for every adult passenger whose destination is outside the poblacion, except the barrios aforementioned, the operator or his driver may collect such fare as may be reasonable as: to Nauñgan and vice versa, twenty centavos (P0.20); to Macabug and vice versa, twenty-five centavos (P0.25); to Simangan and vice versa, twenty-five centavos (P0.25); and to San Isidro and vice versa, twenty centavos (P0.20);

5. A driver of a motorized tricycle, before applying for, occupying or accepting employment as such driver, shall secure the necessary professional driver's license from the Land Transportation Commission: PROVIDED, That no person below 18 years of age nor a person with a student driver's permit or non-professional driver's license shall be allowed to drive;

6. It shall be unlawful for any driver to allow any of his passengers to ride behind him on his seat;

7. It shall be the duty of the operators and maintainers to secure numbers consecutively issued by the Chief of Police to all motorized tricycles, which numbers shall be painted at the front, rear and right sides of the sidecars with colors in contrast with the colors of said sidecars.

SECTION 6. Area limit or boundary for operation. - The operation or area limit for motorized tricycles to carry or transport passengers, cargoes, or the like, shall be:

- 1) to the Northwest, up to Barrio Nauñgan;
- 2) along the National highway going to Tacloban, up to Barrio Dayhagan only;
- 3) along the National highway going to Merida, up to Barrio San Isidro only;
- 4) along the National highway going to Albuera, up to Barrio Macabug; and along the barrio roads to Boroc, Mabini and Can-untog;

PROVIDED, That during Sundays these vehicles shall be allowed to operate between Catayum and Valencia, San Jose and Valencia, and Crossing Maticaa and Valencia.

SECTION 7. Annual measurement. - All motorized tricycles subject to this Ordinance shall be submitted annually for measurement at the Land Transportation Commission, Ormoc City, for determination of the passenger capacity and shall be granted permits only after certifications shall have been issued by the Land Transportation Commission.

SECTION 8. City tax. - Consequent to this regulation of the operation and maintenance of motorized tricycles subject to the aforementioned Republic Act, Municipal Ordinances, rules and regulations, or the like, there shall be paid to the City Treasurer an annual tax each for:

Class "A" - Jeep type	P48.00
Class "B" - Ordinary type	32.00
payable quarterly	

SECTION 9. Time and manner of payment and penalty for delinquency. - The city tax herein prescribed shall be payable without penalty within twenty (20) days from the start of every quarter for which the tax is due. Failure to pay the tax within the prescribed time shall render the taxpayer subject to a surcharge of twenty-five percentum (25%) for the first offense and fifty percentum (50%) for subsequent failures to pay within the prescribed period.

ARTICLE III - OPERATION AT THE PIER

SECTION 10. Entering the pier. - In pursuance of and/or consonance with existing laws, rules and regulations, it shall be unlawful for any public utility jeep (PUJ), autocalesa (AC), trailers (except jeep trailers), motorized tricycles, or the like, to enter the pier at any time without express authority of the Municipal Board and/or a special permit from the local Land Transportation Commission or the Office of the City Mayor.

SECTION 11. Handling of cargoes. - Only TH conveyances and duly licensed carromatas or pushcarts owned or chartered by legitimate arrastre and/or stevedoring services, and rigs or tartanillas, shall have access to the pier for purposes of handling or transporting cargoes covered by bills of lading.

SECTION 12. U-turn. - To maintain a smooth or steady flow of vehicular traffic at the pier, no vehicle shall be allowed to make a U-turn at the middle thereof during docking time of vessels. A movable signboard for this purpose shall be provided by the Police Department from time to time at the pier.

ARTICLE IV - PARKING PROHIBITION FOR RIGS

SECTION 13. It shall be unlawful for any rig or tartanilla to park along the portions of Real and Rizal streets fronting the public market except for loading and/or unloading purposes only.

ARTICLE V - PENALTY, CONSTRUCTION, AND EFFECTIVITY

SECTION 14. Penalty for violation. - Any violation of the provisions of this Ordinance shall be punishable by a fine of not less than thirty pesos (P30.00) but not exceeding two hundred pesos (P200.00) or an imprisonment of not less than fifteen (15) days but not exceeding three (3) months, or both such fine and imprisonment at the discretion of the court.

SECTION 15. Construction of this Ordinance. - If any part or section of this Ordinance shall be declared unconstitutional or ultra vires, such part or section shall not invalidate any other provisions hereof; and any existing ordinance inconsistent herewith are hereby repealed.

SECTION 16. Effectivity. - This Ordinance shall take effect immediately upon its approval.

ENACTED, April 17, 1968.

"RESOLVED, FURTHER, to furnish a copy of this resolution--ordinance each to the Honorable City Judge, the City Fiscal, the Chief of Police, the Commanding Officer, 352nd PC Company, Camp Downes, the Registrar, Land Transportation Commission, the City Treasurer, the City Auditor, operators, maintainers and drivers of motor vehicles and rigs, all of Ormoc City;

"CARRIED UNANIMOUSLY."

I HEREBY CERTIFY to the correctness of the above-quoted resolution-ordinance.

Laureano J. Suan
LAUREANO J. SUAN
Secretary

ATTESTED:

Jesus B. Lladoc
JESUS B. LLADOC
Vice-Mayor
Presiding Officer

APPROVED, April 25, 1968:

Inaki A. Larrazabal
INAKI A. LARRAZABAL
City Mayor

ATTESTED AS APPROVED:

Teotimo P. Ocubillo
TEOTIMO P. OCUBILLO
Secretary to the City Mayor

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