

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SIXTH
SANGGUNIANG PANLUNGSOD NG ORMOC HELD AT THE HONORABLE
PLACIDO ENECIO SESSION HALL, SANGGUNIANG PANLUNGSOD
BUILDING ON DECEMBER 24, 1992

PRESENT:

Hon. Benjamin F. Tugonon,	Vice-Mayor & Presiding Officer
Hon. Sotero M. Pepito,	Kagawad, Majority Floor Leader
Hon. Jose B. Conejos,	Kagawad, Assistant Majority Floor Leader
Hon. Celso P. Adolfo,	Kagawad
Hon. Sixto T. Pongos,	Kagawad
Hon. Benjamin B. Lladoc,	Kagawad
Hon. Mariano Y. Corro,	Kagawad
Hon. Nestor C. Penserga,	Kagawad
Hon. Claudio P. Larrazabal,	Kagawad
Hon. Jose C. Alfaro, Jr.,	Kagawad
Hon. Alfredo F. Capahi,	Kagawad
Hon. Fernando P. Parrilla,	ABC President, Kagawad

ABSENT:

None.

RESOLUTION NO. 137

The Honorable Sangguniang Panlungsod ng Ormoc on motion of Kagawad Jose C. Alfaro, Jr., Chairman, Committee on Transportation & Communications, together with other Members of the said Committee, and, severally seconded by mga Kagawad Mariano Y. Corro, Benjamin B. Lladoc and Alfredo F. Capahi, hereby -

RESOLVED, to adopt:

ORDINANCE NO. 34

AN ORDINANCE ESTABLISHING GUIDELINES, STANDARDS, RULES AND REGULATIONS FOR THE OPERATIONS OF MOTORIZED TRICYCLES-FOR-HIRE AND THE ISSUANCES OF MOTORIZED TRICYCLE OPERATORS' PERMIT OR MTOP THEREBY IMPLEMENTING THE DEVOLUTION OF LTFRB'S FRANCHISING OVER TRICYCLES-FOR-HIRE TO THE CITY GOVERNMENT PURSUANT TO THE LOCAL GOVERNMENT CODE OF 1991 (P.A. NO. 7160)."

ARTICLE 1 - ORDINANCE POLICY AND OBJECTIVES

SEC. 1. - This Ordinance shall be known and referred to as the "ORMOC CITY MOTORIZED TRICYCLES-FOR-HIRE FRANCHISING ORDINANCE".

SEC. 2. - Pursuant to the provisions of Republic Act No. 7160, otherwise known as the "Local Government Code of 1991", and in accordance with the guidelines prescribed by the Department of Transportation and Communication (DOTC) implementing the devolution of the franchising authority over motorized tricycle-for-hire from the LTFRB to the Local Government Unit the City Government has been empowered to do the following acts:

- (a) To issue, amend, revise, renew, suspend, or cancel Motorized Tricycle Operators' Permit (MTOP) and prescribe the appropriate terms and conditions therefor;

- (b) Determine, fix prescribe or periodically adjust fares or rates for the service provided in a zone after public hearing;
- (c) Prescribe and regulate zones of service in coordination with the barangay;
- (d) Fix, impose and collect, and periodically review and adjust but not oftener than once every three (3) years, reasonable fees and other related charges in the regulations of tricycles-for-hire; and *amended*
- (e) Establish and prescribe the conditions and qualifications of service.

SEC. 3 - Definition of Terms:

- (a) Tricycle-for-hire is a motor vehicle composed of a motorcycle fitted with a single-wheel side car or a motorcycle with a two-wheeled cab operated to render services to the general public for a fee;
- (b) Motorized Tricycle Operators' Permit or MTOP, is the document granting franchise or license to operate issued to a person, natural or juridical, allowing him/it to operate tricycle-for-hire over zones specified therein;
- (c) A zone is a contiguous land area or block, say a subdivision or a barangay, where a tricycle-for-hire may operate without a fixed origin and destination.
- (d) The City Franchising Office is the City Licensing Office charge with the supervising, enforcing and implementing the provision of this ordinance.
- (e) The City Legal Officer is the person authorized to hear application for a franchise to operate tricycle(s)-for-hire within the territorial jurisdiction of Ormoc City, and thereafter, to make appropriate recommendation to the Sangguniang Panlungsod for their final action.

ARTICLE II - RULES OF ENTRY

Only Filipino Citizens and partnerships or corporations with 60% Filipino equity, are qualified to be operators of tricycle(s)-for-hire. However, no MTOP shall be granted unless the applicant is in possession of units with valid registration papers from the Land Transportation Office (LTO).

Furthermore, grantees of MTOP must carry a common carrier's insurance sufficient to answer for any liability it may incur to passengers and third parties in case of accidents.

ARTICLE III - FARES *Amended July 28, 1997*

The fares shall be established at a level that will provide the operator a reasonable return, or profit, and still be affordable to the general public.

Until such time that the Sangguniang Panlungsod shall prescribe otherwise, the official fare shall be in accordance with the following schedule of rates in consonance with Resolution No. 160 as amended by the Fifth Sangguniang Panlungsod ng Ormoc on August 22, 1991;

	Regular	Student Fare
W/in the City Proper/minimum fare	P 1.25	P 1.00
Punta	1.75	1.45
Alegria	1.50	1.25
Linao	2.00	1.65
Naungan	2.75	2.30
City Government Center	1.50	1.25
Cogon	1.50	1.25
F. Mejia Subdivision	1.75	1.45
San Isidro/Bliss	2.00	1.65
Bagong Buhay	2.75	2.30
Libertad	2.75	2.30
Can-adieng	1.50	1.25
Camp Downes	1.75	1.45
Bantigue	2.00	1.65
Ipil	2.50	2.00
Panalian	2.00	1.65
Macabug	3.00	2.50
Co-ob	2.25	1.90
Lilo-an	3.00	2.50
Can-untog	4.75	4.00
Airport	4.75	4.00
Salvacion	5.00	4.25
Mabini	4.75	4.00
Simangan	2.75	2.30
Lao	5.75	4.85
Dolores	4.25	3.60

Milagro	5.75	4.85
Dayhagan	3.25	2.75
Luna	3.75	3.15
Balion	5.75	4.85
GAMI	1.75	1.45

The schedule of rates should be posted prominently at the tricycle terminal if any, and in a conspicuous part of the vehicle.

ARTICLE IV - OPERATING CONDITIONS

1. For safety reasons, no tricycle should operate on national highways utilized by 4-wheel vehicles greater than 4 tons and where normal speed exceeds 40 kph. However, the Sangguniang Panlungsod may provide exceptions if there is no other alternative route upon the recommendation of the City Franchising Office (CFO).

2. Zones must be within the boundaries of the City. However, existing zones within more than one Municipality/City shall be maintained, provided that operators serving said zone shall secure Motorized Tricycle Operators' Permit (MTO) from each of the Municipalities/Cities having jurisdiction over the areas covered by the zone.

3. A common color for tricycles-for-hire operating in the same zone may be imposed. Each unit shall be assigned and must bear a city identification number, aside from its LTO License Plate Number.

4. An operator wishing to stop service completely, or to suspend service for more than one month, should report in writing such termination or suspension to the City Franchising Office, which office originally granted the MTO. In the case of suspension the operator should file an application for storage and pay a minimum fee of P50.00/unit applied for storage.

5. The MTO shall be valid for three (3) years, renewable for the same period. Transfer to another zone, change of ownership of unit or transfer of MTO shall be construed as an amendment to an MTO and shall require appropriate approval of the Sangguniang Panlungsod.

6. Operators shall employ only drivers duly licensed by Land Transportation Office for tricycles-for-hire.

7. No tricycle-for-hire should be allowed to carry more passengers and/or goods than it is originally designed for.

8. A tricycle-for-hire shall be allowed to operate like a taxi service, i.e., service is rendered upon demand and without a fixed route within a zone.

ARTICLE V = REQUIREMENTS FOR MOTORIZED TRICYCLE OPERATORS' PERMIT FOR NEW MOTORIZED TRICYCLE

SEC. 1 = Requirements for new Motorized Tricycle Operators' Permit

1. 5 Copies - Verified application:

2. 3 copies - Proof of Filipino, Citizenship

(Any of the following: Birth Certificate or Voter's I.D. or Land Title for Natural Person and SEC Certificate Articles of Incorporation; Certificate of Filing of By-Laws and By-Laws for juridical person);

3. 3 copies - Certificate of Registration of motorcycle (MC) and Official Receipt for the payment thereof

4. 3 copies - Sketched location of garage;

5. 3 copies - Latest income Tax Return.

6. 1 copy - Picture of the unit (front view only)

7. 3 copies - Clearance from the Social Security System (SSS) as to compliance of SS Law. If however, the request for clearance is not issued within two (2) working days from the filing thereof with the SSS the applicant is presumed cleared.

SEC. 2 = Renewal of Motorized Tricycle Operators' Permit (MTOPT)

1. 3 copies - Certificate of Public Convenience, Motorcycle-for-hire (MCH) permit or Provisional Authority to operate an MCH Service (PA) Decision or Computerized Certificate, whichever is applicable, previously issued by the Land Transportation and Regulatory Board of the MTOPT issued by the City as the case may be;

2. 3 copies - Proof of Payment of Quarterly Percentage Taxes for the preceding year;

3. 3 copies - Clearance of Security System be issued within 48 hours by the Social Security System. If however, the request for clearance is not issued within forty-eight (48) hours from the filing thereof with the SSS the applicant is presumed cleared.

SEC. 3 = Petition of Dropping and Substitution

1. 5 copies - Verified Petition;

2. 3 copies - Certificate of Public Convenience, Motorcycle-for-hire -Provisional Authority, Decision, Computerized Certificate or MTOPT, whichever is applicable;

3. 3 copies - Official Receipt of Returned Plate;

4. 3 copies - Official Receipt for Payment of Annual Franchise Fee or Supervision Fee;

5. 3 copies - Certificate of Registration and Official Receipt of payment of registration.

SEC. 4 = Petition to Register Unit in Lieu of Those Authorized

1. 5 copies - Verified Petition

2. 3 copies - Official Receipt/Certificate of Registration.

3. 3 copies - CPC, MCH, PA Decision Certificate or MTOP, whichever is applicable.

SEC. 5 = Petition for Amendment of Line

1. 5 copies - Verified Petition
2. 3 copies - CPC, MCH, PA, Decision or Computerized Certificate or MTOP, whichever is applicable
3. 3 copies - Official Receipt/Certificate of Registration
4. 3 copies - Proof of payment of quarterly percentage taxes for preceding year;
5. 3 copies - Proof of Payment of Annual Franchise Fee or Supervision Fees.

SEC. 6 = Petition for Increase of Equipment or Units

1. 5 copies - Verified Petition
2. 3 copies - CPC, MCH, PA, Decision or Computerized Certificate for MTOP, whichever is applicable
3. 3 copies - Certificate of Registration and Official Receipt of existing units;
4. 3 copies - Certificate of Registration and Official Receipt
5. 3 copies - Official Receipt of Payment for Annual Franchise Fees or Supervision Fees;
6. 3 copies - Proof of Payment of Quarterly Percentage Taxes for the preceding year.

SEC. 7 = Petition for Approval of Sale and Transfer of CPC, MCH, PA, Decision or Computerized Certificate of MTOP, whichever is Applicable with Equipment.

1. 5 copies - Joint Verified Petition of Vendor/Grantee and /Vendee/Petitioner;
2. 3 copies - Deed of Sale and Transfer
3. 3 copies - CPC, MCH, PA, Decision, Computerized Certificate of MTOP, whichever is applicable.
4. 3 copies - Certificate of Registration of Official Receipt;
5. 3 copies - Proof of Payment of Quarterly Percentage Taxes for preceding year;
6. 3 copies - Proof of Payment of Annual Franchise Fee or Supervision Fee;
7. 3 copies - Social Security System Clearance; If however, request for clearance is not issued within forty-eight (48) hours from the filing thereof with the SSS the applicant is presumed cleared.

ARTICLE VI = MOTORIZED TRICYCLE OPERATORS' PERMIT AND OTHER FEES

SEC. 1. **Annual Franchise/Provisional Authority.** - An annual franchise/provisional authority fee shall be imposed upon each applicant in the sum of THREE HUNDRED (P300.00) PESOS;

SEC. 2. **Filing Fee.** - An annual filing fee of THIRTY (P30.00) PESOS shall be collected from the applicant per motor vehicle unit.

SEC. 3. **Fare Adjustment Fee for Fare Increase.** - A filing fee for fare adjustment as to fare increases in the amount of THIRTY (P30.00) PESOS shall be imposed upon payment of the franchise/provisional authority after the effect of any fare escalation per motor unit.

SEC. 4. **Filing Fee for Dropping of MTOP.** - A filing fee for dropping of franchise/provisional authority shall be imposed upon each grantee/holder in the amount of THIRTY (P30.00) PESOS per motor unit.

SEC. 5. **Supervision Fee.** - An annual supervision fee in the amount of THIRTY (P30.00) PESOS shall be collected on or before September 30 each year from the franchise/provisional authority grantee or holder per motor unit.

ARTICLE VII = FINAL PROVISIONS

SEC. 1. - **Special Permits** - Provisional Authorities, CPC, MCH, previously issued by the LTFRB shall remain valid until their expiry date. Operators, however, may choose to apply for a new MTOP or an amendment of their existing MTOP at an earlier date with the City Franchising Division.

SEC. 2. - **Penal Provision**

a) Motorized Tricycle Operators' Permit which are not renewed upon expiry date shall have a surcharge of percent (25%) including such payment that shall have accrued thereon such as filing fees, fare adjustments and supervision fees.

b) Any person or persons, natural or juridical who shall violate ANY provision of this Ordinance, or who shall violate the rules and regulations promulgated under the authority of this Ordinance, shall be punished by a fine of not exceeding ONE THOUSAND (P1,000.00) PESOS, or imprisonment not exceeding six (6) months, or both such fine and imprisonment in the discretion of the Court; Provided, however, that should the violation be committed by any corporation or partnership, the General Manager or Resident Manager, thereof, shall become responsible and shall be charged with such violation and penalized accordingly. Appropriate disciplinary and/or cancellation of MTOP, Provisional Authority, CPC or MCH, whichever is applicable, shall likewise be imposed on anyone found violating any of the provisions of this Ordinance and its implementing rules and regulations.

SEC. 3 - **Transitory Provision.** - Existing Motorized Tricycle Operators' Permit issued by the LTFRB shall remain enforced and effective until expiration thereof.

SEC. 4 - **SAVING CLAUSE** - Subject to the provisions of the Local Government Code of 1991 (R.A. 7160) and consistent with any future congressional legislation and/or court decision, the City reserves the right to pass and/or enact legislations to enforce the real intentions of the Code.

SEC. 5 - **Separability Clause** - If for any reason or reasons, any part or provision of this Ordinance shall be held unconstitutional or invalid, the other parts or provisions hereof which are not affected thereby, shall continue to be in full force and effect.

SEC. 6 - **Effectivity Clause** - This Ordinance shall take effect immediately upon approval hereof.

ENACTED, December 24, 1992.

RESOLVED, FURTHER, to furnish copies of this resolution-ordinance each to the Honorable City Mayor, the City Administrator, the City Legal Officer, the City Prosecutors Office, the City Treasurer, the City Auditor, the Regional Trial Court, the Municipal Court, the FNP Chief Inspector, -all in Ormoc City, and three (3) copies thereof be posted on the Bulletin at public and conspicuous places, within ten (10) days after its approval, pursuant to Sec. 188 of Republic Act 7160;

CARRIED UNANIMOUSLY.

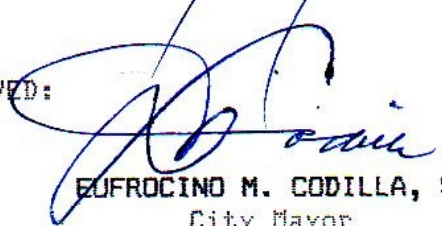
I HEREBY CERTIFY to the correctness of the foregoing resolution-ordinance.


BENJAMIN F. TUGONON
Vice-Mayor & Presiding Officer

ATTESTED:


OSCAR L. LASAM
City Secretary

APPROVED:


EUFROCINO M. CODILLA, SR.
City Mayor