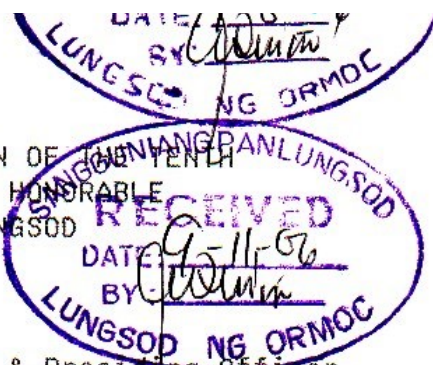


DATE: SEP 08 2006

REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
Lungsod ng Ormoc



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE HONORABLE
SANGGUNIANG PANLUNGSOD NG ORMOC HELD AT THE HONORABLE
PLACIDO ENECIO HALL, SANGGUNIANG PANLUNGSOD
BUILDING ON SEPTEMBER 07, 2006

PRESENT:

Hon. Nepomuceno P. Aparis I,	Vice Mayor & Presiding Officer
Hon. Jose S. Serafica,	City Councilor, Minority Floor Leader
Hon. Manuel T. Fiel,	City Councilor, Assist. 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. Eduardo P. Tan,	(O.B. - Cebu City),	City Councilor
Hon. Emeterio Y. Larrazabal, Jr.,	(Sick Leave),	Ex-Officio
City Councilor, Chapter President, Liga ng mga Barangay ng Ormoc		

EXPLANATORY NOTE

WHEREAS, this Sanggunian was furnished a copy of a Petition dated July 10, 2006, addressed to the Honorable Mayor from ORMOC MOTORIZED TRICYCLE for Hire OPERATORS & DRIVERS ASSOCIATION (OMTODA) petitioning "to allow the increase of the minimum fare from P5.50 within the city proper, and an increase of P1.00 on all outline (sic) Barangay of the City of Ormoc, x x x", a photocopy of said Petition is hereto attached for ready reference;

WHEREAS, among the reasons alleged to support the Petition are "the continuing increases in the price of gasoline" which "also brought up the cost of maintenance necessary for the operation of our business," and that it has brought "to a point that Tricycle operation has become a losing venture affecting the operators, the drivers and its dependents;"

WHEREAS, a conference with the members of this Sanggunian and the officials of OMTODA was made regarding their Petition, and on August 2, 2006 a public hearing was held relative to the proposed increase on the fare rates of Motorized Tricycle-For-Hire;

WHEREAS, one of the concerns brought up during the public hearing, was the operation of motorized tricycle-for-hire along national highways; however, it was pointed out that Ordinance No. 34, which establishes guidelines, standards, rules and regulations for the operations of motorized tricycles-for-hire, particularly Article IV - Operating Conditions, paragraph 1, thereof, provides; "For safety reasons, not 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." Unfortunately, what is stated in the MOTORIZED TRICYCLE OPERATOR'S PERMIT, are as follows: "W/IN ORMOC CITY EXCEPT ALONG NATIONAL HIGHWAYS" without stating the exception provided for in the aforesaid Ordinance No. 34. But clearly, the intention was to allow motorized tricycle-for-hire to operate on national highways IF THERE IS NO ALTERNATIVE ROUTE; as provided for in the guidelines prescribed by DOTC.

WHEREAS, the latest increase in the fare for tricycles was approved on June 16, 2005 per City Ordinance No. 122;

WHEREAS, this Sanggunian finds the requested increase on the fare rates of Motorized Tricycles-For-Hire fair, reasonable and justifiable under the present situation, hence merits the favorable action thereof.

WHEREFORE, FOREGOING PREMISES CONSIDERED, on joint motion of City Councilors Claudio P. Larrazabal and Mariano Y. Corro, Chairman, Committee on Transportation and Communication, and Committee on Laws and Ordinances, respectively, jointly seconded by City Councilors Sotero M. Pepito and Ruben R. Capahi; be it

RESOLVED, to enact:

ORDINANCE NO. 130

AN ORDINANCE AMENDING CERTAIN PROVISIONS OF ORDINANCE NO. 34 AS AMENDED, ENTITLED: "AN ORDINANCE ESTABLISHING GUIDELINES, STANDARDS, RULES AND REGULATIONS FOR THE OPERATIONS OF MOTORIZED TRICYCLES-FOR-HIRE AND THE ISSUANCES OF MOTORIZED TRICYCLES OPERATIONS 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 (R.A. NO. 7160)" NOW INCORPORATED IN THE CODE OF GENERAL ORDINANCES OF ORMOC CITY.

BE IT ORDAINED, by the TENTH SANGGUNIANG PANLUNGSOD ng ORMOC, That:

SECTION 1. Article III - FARES of Ordinance No. 34, as amended by the latest Amendatory Ordinance No. 122, dated June 16, 2005, shall now read as follows:

"ARTICLE III - FARES

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 this Sangguniang Panlungsod shall prescribe otherwise, the official fare shall be in accordance with the schedule herein below indicated, to wit:

The foregoing schedule of fare rates shall be published once in a newspaper of general circulation in Ormoc City, and posted in at least three (3) conspicuous-public places in Ormoc City, and mandatorily in a conspicuous part of the tricycle, which can be easily seen by the passenger thereof.

<u>AREA OF OPERATION</u>	<u>REGULAR FARE</u>	<u>STUDENT FARE</u> (15% disc.)	<u>SR. CITIZEN FARE</u> (20% disc.)
CITY PROPER (Brgy. Dist. 1 to 29)	P5.50	P4.68	P4.40
City Proper to Barangay:			
AIRPORT	9.00	7.65	7.20
ALEGRIA	6.00	5.10	4.80
BANTIGUE	6.50	5.53	5.20
BAGONG BUHAY/BLISS	7.00	5.95	5.60
CAMP DOWNES	6.00	5.10	4.80
CAN-ADIENG	6.00	5.10	4.80
CAN-UNTOG	10.00	8.50	8.00
CITY GOV'T. CENTER	6.00	5.10	4.80
COGON	6.50	5.53	5.20
COOB (Tambulilid)	7.50	6.38	6.00
DANHUG	9.00	7.65	7.20
DAYHAGAN	8.50	7.23	6.80
DOLORES	9.00	7.65	7.20
DSWD (Relocation)	7.00	5.95	5.60
F. MEJIA SUB.	7.00	5.95	5.60
SSS VILLAGE/Sn. Lorenzo College	7.00	5.95	5.60
IPIL	7.50	6.38	6.00
LABRADOR	11.00	9.35	8.80
LAO (Brgy. Proper)	10.00	8.50	8.00
LIBERTAD	8.00	6.80	6.40
LILO-AN	9.00	7.65	7.20
LINAO	6.50	5.53	5.20
LUNA	8.50	7.23	6.80
MABINI	10.50	8.93	8.40
MACABUG	9.00	7.65	7.20
MILAGRO	11.00	9.35	8.80
NAUNGAN	7.00	5.95	5.60
ALTA VISTA	7.00	5.95	5.60
OSPA FMC (Sp. Rate)	10.00	8.50	8.00
PANALI-AN	7.00	5.95	5.60
PUNTA	6.00	5.10	4.80
SAN ANTONIO (Proper)	8.00	6.80	6.40
SAN ISIDRO/TENT CITY	7.00	5.95	5.60
SAN PABLO	7.50	6.38	6.00
TAMBULILID	7.50	6.38	6.00

Failure to post the schedule of fare rates in a conspicuous part of the tricycle constitute a violation of this Ordinance thereby making the operator and/or driver of the tricycle liable to the penalty provided for in Article VII - Final Provisions, Section 2, Penal Provision, par. (b) of Ordinance No. 34.

SECTION 2. Article IV - Operating Conditions, par. 1, only, of Ordinance No. 34, as amended, is hereby amended to now reads as follows:

"ARTICLE IV - OPERATING CONDITIONS -

1. For safety reasons, no tricycles should operate on national highways utilized by 4-wheel vehicle greater than 4 tons and where normal speed exceeds 40 KPH. However, the Sangguniang Panlungsod ng Ormoc allows the utilization of national highways, IF THERE IS NO ALTERNATIVE ROUTE."

SECTION 3. An additional paragraph shall be incorporated in Section 2. Penal Provision, of ARTICLE VII - Final Provision, of Ordinance No. 34, to read as follows:

"ARTICLE VII - FINAL PROVISIONS

Sec. 2. Penal Provisions

c) The following acts when performed while operating a motorized tricycle-for-hire, are prohibited, and the violator thereof shall suffer the penalties herein below stated, to wit:

- 1) Refusal to accept an individual who desires to avail his services without any valid and compelling reason or reasons;
- 2) Charging fare which is more than what is allowed under the official schedule of fares as approved by the Sangguniang Panlungsod ng Ormoc;
- 3) Driver wearing SLEEVE-LESS shirt;
- 4) Driver wearing SHORTS;
- 5) Driver smoking while driving.
- 6) Driver wearing SLIPPERS.
- 7) OVERLOADING, not more than six (6) passengers are allowed.
- 8) Non-wearing of motorized tricycle drivers ID issued by the City Franchising Office and signed by the City Mayor effective January 1, 2007.

PENALTIES

- | | | |
|----------------|---|---|
| First Offense | - | Administrative Fine of P100.00 |
| Second Offense | - | Administrative Fine of P500.00 |
| Third Offense | - | case shall be referred to the Court of competent jurisdiction which, upon conviction, shall impose the penalty of FINE of not less than P500.00 but not more than P1,000.00 or IMPRISONMENT OF not less than ten days but not more than 30 days, or both FINE and IMPRISONMENT, at the discretion of the Court. |

The Administrative Fine shall be paid immediately to the Office of the City Treasurer of Ormoc, who shall issue the corresponding official receipt. If the violator fails to pay the ADMINISTRATIVE FINE, the case shall be referred to the Court of competent jurisdiction for disposal.

For the violations mentioned in this section, only the DRIVER of the tricycle-for-hire shall be liable therefor.

SECTION 4. If for any reason or reasons, any part or provision of this Ordinance shall be declared unconstitutional or invalid, the other parts or provisions hereof which are not affected thereby, shall continue to be in full force and effect.

SECTION 5. All existing Ordinance, Executive Orders, Rules and Regulations insofar as they are inconsistent with this Ordinance are considered repealed or modified accordingly, as the case may be.

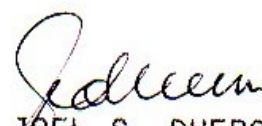
SECTION 6. This Ordinance shall take effect immediately after it shall have been published once in a local newspaper of general circulation within the City of Ormoc and posted in at least three (3) public and conspicuous places in Ormoc City, for at least three (3) consecutive weeks.

ENACTED, September 07, 2006.

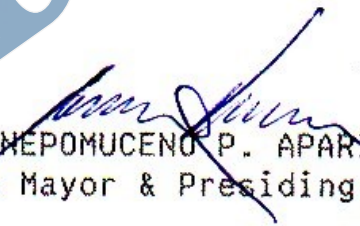
RESOLVED, FURTHER, to furnish copies of this Ordinance, one each to His Honor, the City Mayor, the City Administrator, the City Legal Officer, the City Treasurer, the Permits and Licensing Division, the City Director of PNP, the Regional Trial Court and Municipal Trial Court in Ormoc City, the City Prosecutor, the Regional Director, LTO, LTFRB, LTO - Ormoc City, the President of OMTODA, the President United Ormoc-Lao Operators & Drivers Association, Inc., and all others concerned;

CARRIED UNANIMOUSLY.


I HEREBY CERTIFY to the correctness of the foregoing ordinance.


JOEL S. DUERO
Secretary to the
Sangguniang Panlungsod

ATTESTED:


NEPOMUCENO P. APARIS I
Vice Mayor & Presiding Officer

APPROVED:


ERIC C. CODILLA
City Mayor

1 SEP 08 2006

(Date)