

REPUBLIKA NG PILIPINAS  
SANGGUNIANG PANLUNGSOD  
LUNGSOD NG ORMOC

RECEIVED  
BY: [signature]  
DATE: JAN 25 2008

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE ELEVENTH  
SANGGUNIANG PANLUNGSOD NG ORMOC HELD AT THE HONORABLE  
PLACIDO ENECIO HALL, SANGGUNIANG PANLUNGSOD  
BUILDING ON JANUARY 24, 2008

PRESENT:

Hon. Demosthenes F. Tugonon,	Temporary Presiding Officer (City Councilor)
Hon. Sotero M. Pepito,	Temporary Floor Leader (City Councilor, Assist. Floor Leader)
Hon. Mariano Y. Corro,	City Councilor
Hon. Fe S. Lladoc,	City Councilor
Hon. Filomeno P. Maglasang,	City Councilor
Hon. Rafael C. Omega, Jr.,	City Councilor
Hon. Fernando P. Parrilla,	City Councilor
Hon. Lea Doris C. Villar,	Ex-Officio City Councilor, Chapter President, Liga ng mga Barangay ng Ormoc
Hon. Corinne M. Corro,	Ex-Officio City Councilor, SK Federation President

ABSENT:

Hon. Nepomuceno P. Aparis I,	(O.B. - Ormoc City), Vice Mayor & Presiding Officer
Hon. Claudio P. Larrazabal,	(Special Leave), City Councilor, Floor Leader
Hon. Ruben R. Capahi,	(On Leave), City Councilor
Hon. Jose C. Alfaro, Jr.,	(O.B. - Manila), City Councilor

PREFATORY STATEMENT

Presented to the 11th Sangguniang Panlungsod ng Ormoc is a letter application dated 30 October 2006 of Mr. Rodrigo Lilio Sano to establish, operate and manage a Mini-Private Terminal for Shuttle Services plying the route of Ormoc - Tacloban, Maasin, Palompon, Isabel and Vice - Versa which will be located at Aviles Corner Mabini Sts. this city;

Anent thereto, on December 21, 2006, Mr. Sano submitted to this Sanggunian the pertinent documents required in support to his application including an Operational and Technical Proposal for the establishment, operation and management of the proposed Shuttle Services Terminal;

The said application of Mr. Rodrigo Lilio Sano, has been indorsed to the City Planning and Development Office and the Permits, Franchising and Licensing Office on November 6, 2006 and both Offices were in favor of the said application on the belief that the proposed Shuttle Services Terminal will definitely help ease and decongest traffic problems in the present Public Bus Terminal of the city, provided however, that all conditions and requirements for the granting of a franchise shall be met by the applicant;

The Local Government Code of 1991 (RA 7160) particularly Section 458, Par. (a) Subpar. (3) (vii) thereof, empowers Sangguniang Panlungsod to enact ordinances granting franchises to any person, partnership, corporation or cooperative to do business within the City;

On December 18, 2007, Mr. Rodrigo Lilio Sano wrote a letter addressed to the Honorable City Mayor Eric C. Codilla as well as to City Councilors Mariano Y. Corro and Claudio P. Larrazabal, who offered to pay voluntarily to the city the amount of ₱25.00/trip from Ormoc to Tacloban over and above the franchise fee if only to help the city raised its revenues;

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NOW THEREFORE, FOREGOING PREMISES CONSIDERED, on joint motion of City Councilors Mariano Y. Corro and Claudio P. Larrazabal, Chairman of the Committee on Ways and Means, and Committee on Transportation and Communications, respectively, severally seconded by City Councilors Fernando P. Parrilla, Rafael C. Omega, Jr., Fe S. Lladoc, Sotero M. Pepito and Filomeno P. Maglasang; be it

RESOLVED, to enact:

ORDINANCE NO. 141

AN ORDINANCE GRANTING FRANCHISE TO MR. RODRIGO LILIO SANO, TO ESTABLISH, OPERATE AND MANAGE, A MINI-PRIVATE TERMINAL EXCLUSIVELY FOR SHUTTLE SERVICES AT AVILES CORNER MABINI STS., THIS CITY.

BE IT ORDAINED BY THE 11TH SANGGUNIANG PANLUNGSOD NG ORMOC, in session assembled, That:

SECTION 1. Subject to the provisions of the Constitution of the Republic of the Philippines, and applicable laws, rules and regulations, there is hereby granted to Mr. Rodrigo Lilio Sano, herein referred to as the GRANTEE, a franchise to establish, operate and manage a Mini-Private Terminal exclusively for Shuttle Services at Aviles Corner Mabini Sts., this city.

SECTION 2. The facilities of the GRANTEE at its terminal shall conform to all standards and specifications provided for in existing laws and ordinances of the City, and shall among others, comply with the following:

- a) NO STREET PARKING is permitted and all vehicles-for-hire should be confined inside the leased property so as not to generate traffic congestion along Aviles corner Mabini Sts.;
- b) Parking, loading and unloading of passengers and cargoes shall be confined within the terminal premises except the picking-up of passengers while on their way out towards their respective places of destination; furthermore, no barkers/dispatchers shall be allowed to canvass passengers except within the immediate vicinity of their terminal;
- c) The terminal building must be semi-concrete with no fire hazard material, and proper ventilation aptly provided;
- d) Vehicle emission must be greatly controlled and should not pollute city atmosphere;
- e) Separate rest rooms will be provided for the male and female;
- f) Proper waste management shall strictly be observed in accordance with R.A. 9003 (ECOLOGICAL SOLID WASTE MANAGEMENT PROGRAM) and R.A. 6969 (Toxic Substance and Hazardous and Nuclear Wastes Control Act 1990);
- g) Cleanliness will be maintained at all times in the premises of the terminal;
- h) No sidewalk vendors or parking of tricycles for hire shall be allowed in the vicinity;
- i) Upon acceptance of this franchise, vehicles of the grantee shall no longer be allowed to use the facilities of the Ormoc City Bus Terminal.



SECTION 3. The GRANTEE shall pay to the City Government of Ormoc the franchise tax as provided for in the local tax ordinance, and such other taxes, fees and charges that may be imposed by the City.

"In addition to the above obligation, the GRANTEE shall pay Twenty-Five (P25.00) Pesos, per trip for any of its shuttle bus/van which departs from its Mini-Terminal in Ormoc City, which shall be paid every calendar quarter within the first twenty (20) days following the end of the applicable quarter. Payments made after the due date, a surcharge of twenty-five percent (25%) of the amount due, and an interest at the rate of two percent (2%) per month of the unpaid amount including the surcharge, shall be imposed, until such amount is fully paid, but in no case shall the total interest on the unpaid amount or portion thereof, exceeds thirty-six (36) months. At the time of payment, the GRANTEE shall submit a sworn statement as to the number of trips made during the applicable quarter."

SECTION 4. This franchise shall be for a term of ten (10) years from the date of the effectivity of this Ordinance, unless sooner revoked or canceled for a valid or legal cause. In the event that the GRANTEE fails to operate continuously for one year, this franchise shall be deemed ipso facto revoked.

SECTION 5. The GRANTEE shall hold the City Government of Ormoc harmless from all claims, accounts, demands or actions arising out of the accidents or injuries whether to property or to persons, caused by the operation of this private mini-terminal.

SECTION 6. The books of accounts of the GRANTEE shall always be made available for inspection by the City Treasurer of Ormoc or of his duly authorized representative, during office hours on a business day. The Granttee shall submit a quarterly report to the Office of the City Treasurer of Ormoc, showing the gross receipts for the quarter for its operations in the City of Ormoc, which report shall be submitted within the first twenty (20) days of the month following the end of the calendar quarter.

SECTION 7. Within sixty (60) days from receipt of a copy of this Ordinance, the GRANTEE shall file with the City Secretary, a sworn written acceptance of this franchise, and all the terms and conditions thereof. In default thereof, this franchise shall become null and void.

SECTION 8. If any section or provision of this Ordinance is declared as unconstitutional or invalid, the other sections or provisions not affected thereby shall continue to be in force and effect.

SECTION 9. This Ordinance modifies/amends the provision of Section 8 of Tax Ordinance No. 7 of 1980, entitled: "AN ORDINANCE ESTABLISHING AND/OR OPERATING THE BUS TERMINAL SERVICES OF ORMOC CITY, PRESCRIBING FEES AND RENTALS THEREFOR, AND FOR ITS PROPER AND EFFECTIVE ADMINISTRATION".

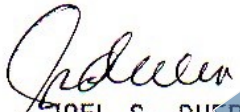
SECTION 10. This Ordinance shall take effect on the day following its publication once in a newspaper of general circulation in Ormoc City, and its posting at conspicuous places in the City Hall of Ormoc for three consecutive weeks, whichever occurs later. (Rule 114 of the RRILGC).

ENACTED, January 24, 2008.

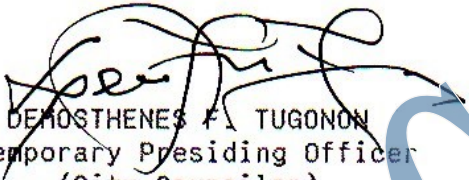
RESOLVED, FURTHER, to furnish copies of this Ordinance to - The Honorable City Mayor, the City Administrator, the Permits, Licensing and Franchising Office, the City Planning and Development Office, Mr. Rodrigo Lilio Sano, and others concerned.

CARRIED UNANIMOUSLY.


I HEREBY CERTIFY to the correctness of the foregoing ordinance.

  
JOEL S. DUERO  
Secretary to the  
Sangguniang Panlungsod

ATTESTED:

  
DEMOSTHENES F. TUGONON  
Temporary Presiding Officer  
(City Councilor)

APPROVED:

  
ERIC C. CODILLA  
City Mayor

FEB 0 8 2008

(Date)