

REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC

RECEIVED
BY: *Quis*
DATE: JUN 22

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 JUNE 18, 2009

PRESENT:

Hon. Sotero M. Pepito,	Temporary Presiding Officer (City Councilor, Assist. Floor Leader)
Hon. Claudio P. Larrazabal,	City Councilor, Floor Leader
Hon. Demosthenes F. Tugonon,	City Councilor
Hon. Ruben R. Capahi,	City Councilor
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. Jose C. Alfaro, Jr.,	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, (Acting City Mayor), Vice Mayor &
Presiding Officer

EXPLANATORY NOTE

In 1992 the operation and granting of franchises to Motorized Tricycle for hire has been devolved to the City Government pursuant to the Provisions of RA 7160 also known as the Local Government Code of 1991, and implemented by Ordinance No. 34 dated December 24, 1992 which empowers the City Government to prescribe and regulate zones of service in coordination of the barangays, and establish and prescribe the conditions and qualifications thereof.

Recently this august Body has received a letter dated 23 February 2009 from Mr. Emilio G. Tingson, Chief, BPLFO, said letter was noted and approved by the Honorable City Mayor Eric C. Codilla requesting for the establishment of zones for motorized tricycles for hire in the City of Ormoc including the adoption of a color coding schemes for each zone. (Copy of said letter is hereto attached.)

Likewise, this august Body has received a number of issues and concerns from other transport groups regarding the proliferation of tricycles plying routes along national highways as provided and authorized in their approved MTOP.

FOREGOING PREMISES CONSIDERED, on motion of City Councilor Claudio P. Larrazabal, Chairman, Committee on Transportation & Communication, jointly seconded by City Councilors Rafael C. Omega, Jr. and Fernando P. Parrilla; be it

RESOLVED, to enact:

ORDINANCE NO. 153

AN ORDINANCE RATIONALIZING THE OPERATION OF MOTORIZED TRICYCLES FOR HIRE IN ORMOC CITY BY ADOPTING ZONES AND COLOR-CODING SCHEMES IN THE OPERATION THEREOF.

BE IT ORDAINED, by the Eleventh Sangguniang Panlungsod ng Ormoc in Regular Session assembled, that:

SECTION 1. TITLE OF THE ORDINANCE - This Ordinance shall be known and cited as the "ZONING AND COLOR CODING ORDINANCE IN THE OPERATION OF MOTORIZED TRICYCLES FOR HIRE IN ORMOC CITY".

SECTION 2. SCOPE OF ORDINANCE - This Ordinance shall cover the rules and regulations in the implementation of the zoning and color-coding schemes of motorized tricycles for hire in Ormoc City.

SECTION 3. DEFINITION OF TERMS - For purposes of this ordinance, the following terms are hereunder defined;

ADMINISTRATIVE FINE - Shall refer to the penalties imposed within the Administrative power of the Local Government Unit and sanctioned by existing government policies and regulations.

BPLFO - Refers to Business Permit Licensing and Franchising Office, charge with the Supervising, enforcing and implementing the provision of this ordinance.

CIN - refers to City Identification Number issued to motorized tricycle for hire.

COLOR CODE - refers to a color assigned to a zone.

EMERGENCY - refers to unforeseen combination of circumstances, either natural or man-made, or the resulting state that calls for an immediate or an extraordinary action.

FREE ZONE - refers to district and barangays where motorized tricycles for hire of any color can operate.

HEARING - refers to a process conducted by an authorized officer to deliberate on the application for franchise of the operator of motorized tricycle for hire.

MCH - refers to a motorcycle fitted with a single-wheeled sidecar or a Motorcycle with a two-wheeled cab operated to render service to the General Public for fee.

MIOP - refers to the document granting franchise or license to operate issued to a personal natural or juridical allowing him/ it to operate over zone specified therein.

PL - refers to the amount of insurance for passengers against physical injuries and/or on death.

PROVISIONAL AUTHORITY - refers to a document granting temporary permit to an MCH operator valid for a limited and specified period.

SPECIAL PERMITS - refers to permits issued by Business Permits, Licensing and Franchising Office (BPLFO) to operate outside the authorized route for a specific purpose and on limited and specified time and place.

TERRITORIAL JURISDICTION - refers to areas covered by a zone.

VIOLATOR'S CITATION TICKET - refers to a ticket issued by the law enforcer for a violator of this ordinance.

ZONE - refers to a contiguous land area or block say a subdivision or a barangay where a tricycle for hire may operate without fixed origin and destination

SECTION 4. The City of Ormoc, for purposes of the operation of motorized tricycle for hire, shall be divided into four (4) major zones with the designation of the color to be used thereat, to wit:

ZONE 1. (FREE ZONE)- Shall cover the areas of:

a. Barangay District Nos. 1 to 29;

b. Barangays:

Don F. Larrazabal	San Isidro
Alegria	Bagong Buhay
Batuan	Libertad, up to crossing Airport only
Punta	Airport
Linao	Salvacion, up to crossing Dayhagan only
Naungan	San Pablo, up to San Pablo Rotonda only
Tambulilid	Sto. Niño
Doña Feliza Mejia	Bantigue up to Panilahan Bridge
Cogon	Alta Vista
Can-adieng	Nasunogan
Camp Downes	

The designated color-code for this area is RED

ZONE 2 - Shall cover the areas of Barangays:

Ipil	Can-untog
San Antonio	Danhug
Macabug	Mabini

The designated color-code for this area is BLUE

ZONE 3 - Shall cover the areas of Barangays:

Dolores	Concepcion
Milagro	Hibunaon
Luna	San Jose
Dayhagan	Maticaa
Valencia	Sabang Bao
Cagbuhangin	Cabulihan
Juaton	

The designated color-code for this area is GOLD

ZONE 4 - Shall cover the areas of Barangays:

Lilo-an	San Juan
Lao	Margen
Licama	Labrador
Curva	R.M. Tan
Mas-in	San Vicente

The designated color-code for this area is GREEN.

SECTION 5. Zone 1 is designated as FREE ZONE in which motorized tricycle for hire of any color can ply,

SECTION 6. The determination of the number of motorized tricycles for hire to be assigned by ZONE shall be based on the following factors:

- the percentage distribution of population among the four zones;
- the location or addresses of operators;
- the presence of jeepney/multicabs and other means of public of public transport in the zone.

The Business Permits, Licensing and Franchising Office (BPLFO) shall be responsible for determining the distribution of motorized tricycle for hire by zones subject to the approval of the Sangguniang Panlungsod.

SECTION 7. Operators of motorized tricycles for hire shall apply with the BPLFO for their respective zones of operation, and said application must be posted in at least four (4) conspicuous and publicly accessible places including the main entrance of the City Hall for ten (10) days. Thereafter, a hearing shall be conducted only if there is an opposition thereto. The opposition must be filed within ten (10) days after the completion of the posting of the application, and the oppositor shall pay a hearing fee of FIFTY (P50.00) PESOS per unit of the motorized tricycle for hire applied, subject of the opposition, to the Ormoc City Treasurer's Office which shall issue the corresponding official receipt, before the opposition will be given due course. The hearing must be conducted within ten (10) days from the date the opposition is duly filed, by the Hearing Officer who is the City Legal Officer who must decide within fifteen (15) days from the date of the initial hearing.

SECTION 8. Every motorized tricycle for hire granted a franchise to operate shall be assigned to a particular zone which shall be clearly stated in the franchise. A motorized tricycle for hire assigned to a particular zone can ply only within the territorial jurisdiction of its zone and the designated FREE ZONE (ZONE 1). However, in case of EMERGENCY, and in going out of, and coming in, the garage, the motorized tricycles for hire are permitted to ply outside their assigned zones.

The Emergency cases contemplated herein shall be limited to the following:

- a. transporting sick persons to the clinic, hospital or to a doctor;
- b. during natural calamities and force majeure
- c. to prevent the loss of lives and/ or properties

SECTION 9. All motorized tricycles for hire shall have their City Identification Number (CIN) painted white with the color of the assigned zone as background.

SECTION 10. Operators of motorized tricycles for hire must insure their passengers against physical injuries and/or death in an amount not less than P200,000.00 as passenger liability (PL).

SECTION 11. The usual Mayor's Permit and the corresponding fee must be paid before operating motorized tricycle for hire. However, operators who operate outside ZONE ONE (FREE ZONE) must secure an additional Mayor's Permit for each Zone of operation and pay the corresponding fee.

SECTION 12. A basic franchise fee of FOUR HUNDRED (P400.00) PESOS, per unit, shall be imposed and collected for those operating in ZONE ONE (Free Zone). For those who will operate outside of Zone One (Free Zone) an additional amount of SIX HUNDRED (P600.00) PESOS, per unit, per zone, shall be paid. The franchise fee is valid and good for three (3) years.

SECTION 13. PROVISIONAL AUTHORITY - A provisional authority to operate shall be issued to all new applicants for MTOP pending final action of their franchise (MTOP) by the Sangguniang Panlungsod, which shall only be valid for the period from the date of endorsement of the application to the Sanggunian by the Business, Permits, Licensing and Franchising Office (BPLFO) up to the date final action is taken thereon.

The Business Permits, Licensing and Franchising Office is hereby authorized to issue this provisional authority.

SECTION 14. Special Permits- Special Permit for Special Trips outside of their assigned zones is valid for 1 day only, from 7:00 o'clock in the morning to 5:00 o'clock in the afternoon with specified routes appearing in the permit. A fee of P50.00 shall be collected for this purpose to be paid to the City Treasurer's Office which shall issue the corresponding official receipt.

The Business Permits, Licensing and Franchising Office is hereby authorized to issue this special permit.

SECTION 15. Penal Provision- For any violation of the provisions of this Ordinance, an ADMINISTRATIVE FINE shall be imposed, as follows:

First Offense	-	Fine of P500.00
Second Offense	-	Fine of P1,000.00
Third Offense	-	Fine of P2,000.00
Subsequent Offense	-	Fine of P3,000.00

In the imposition of the ADMINISTRATIVE FINE, the following guidelines are hereby adopted, to wit:

1. Violators upon apprehension shall be issued with a VIOLATOR'S CITATION TICKET and must be redeemed at the Ormoc City Treasurer's Office within seventy-two (72) hours upon receipt thereof;
2. All fines from administrative penalty, shall be paid directly to the Ormoc City Treasurer's Office which shall issue the corresponding official receipt, and the proper notation of the citation ticket made;
3. Failure of the violator to redeem his citation ticket within the prescribed period, subject violation shall be referred by the City Treasurer to the City Prosecutor's Office for the filing of the appropriate charges within five (5) days from the expiration of the period of redemption with the proper court which upon conviction may impose a fine not exceeding Five Thousand (P5,000.00) Pesos, or imprisonment of not exceeding one (1) year, or both such fine and imprisonment at the discretion of the court;
4. It shall be the duty of the law enforcer to report and submit within twenty-four (24) hours the list of apprehended violators issued violator's citation tickets to the Ormoc City Treasurer's Office;
5. The Ormoc City Treasurer is hereby required to prepare and submit a monthly written report to the City Mayor copy furnished the Sangguniang Panlungsod, the number of violators issued with a violator's citation ticket as well as the amount derived therefrom;
6. The BPLFO is mandated to immediately prepare the format of the VIOLATOR'S CITATION TICKET subject to review and approval by the Sangguniang Panlungsod.

SECTION 16. TRANSITORY PROVISION - Operators of motorized tricycles for hire who were granted franchises to operate before the effectivity of this Ordinance shall continue to operate in accordance with the terms and conditions stated therein until the expiration thereof; thereafter, renewals shall now be governed by the provisions of this ordinance.

(Amended by Ordinance No. 153 dated September 03, 2009)

SECTION 17. The provisions of Ordinance No. 34, series of 1992 entitled; "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 R.A. No. 7160 as amended, are hereby adopted and incorporated as part of this ordinance, insofar as they are not contrary or inconsistent hereof.

SECTION 18. REPEALING CLAUSE - All ordinances, rules, orders and regulations or parts thereof contrary or inconsistent with any of the provisions of this Ordinance are hereby repealed or modified accordingly.

SECTION 19. SEPARABILITY CLAUSE - If for any reason or reasons, any part or provisions 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.

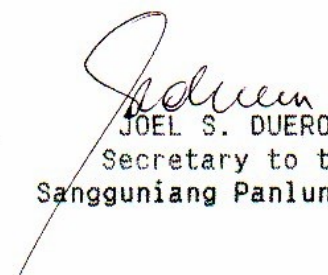
SECTION 20. EFFECTIVITY - This Ordinance shall take effect after it shall have been published once in a local newspaper of general circulation within the City of Ormoc, and posted in at least four (4) conspicuous and publicly accessible places including the main entrance of the City Hall for ten (10) days.

ENACTED June 18, 2009.

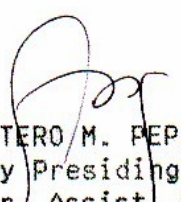
RESOLVED, FURTHER, to furnish copies of this Ordinance, one each to His Honor, the City Mayor, the City Administrator, the City Legal Officer, the City Treasurer, the Permits and Licensing Division, the City Director of PNP, the Regional Trial Court and Municipal Trial Court in Ormoc City, the City Prosecutor, 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:


SOTERO M. PEPITO
Temporary Presiding Officer
(City Councilor, Assist. Floor Leader)

Not signed by the Hon. City Mayor.
Same is deemed approved after lapse
of ten (10) days. (Art. 108 par. (b))
Local Government Code of 1991

APPROVED:

ERIC C. CODILLA
City Mayor

(Date)