

REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE
SANGGUNIANG PANLUNGSOD NG ORMOC HELD AT THE HONORABLE
PLACIDO ENESIO HALL, SANGGUNIANG PANLUNGSOD
BUILDING ON SEPTEMBER 03, 2009

PRESENT:

Hon. Fe S. Lladoc,	Temporary Presiding Officer (City Councilor)
Hon. Claudio P. Larrazabal,	City Councilor, Floor Leader
Hon. Sotero M. Pepito,	City Councilor, Assist. Floor Leader
Hon. Demosthenes F. Tugonon,	City Councilor
Hon. Ruben R. Capahi,	City Councilor
Hon. Mariano Y. Corro,	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

ABSENT:

Hon. Nepomuceno P. Aparis I,	Acting City Mayor, Vice Mayor & Presiding Officer
Hon. Corinne M. Corro,	(Sick Leave), Ex-Officio City Councilor, SK Federation President

PREFATORY STATEMENT

The Eleventh Sangguniang Panlungsod ng Ormoc, collectively working with the City Chief Executive, Honorable City Mayor Eric C. Codilla, envisions to improve the system of operation of Tricycles-For-Hire in the City of Ormoc. It is apparent that the proliferation of tricycles plying along the National Highways has unconstructive effect on the traffic situation of the city. The matter needs to be dealt with accordingly through an effective legislative measure. In view thereof, this august Body has passed and enacted Ordinance No. 153 otherwise known as the "ZONING AND COLOR CODING ORDINANCE IN THE OPERATION OF MOTORIZED TRICYCLES FOR HIRE IN ORMOC CITY". The said ordinance was anchored on the fact of achieving public order and promoting safety among the people.

Recently, this sanggunian has received a communication dated July 13, 2009 from the Honorable City Mayor requesting for a re-study of Ordinance No. 153 particularly on Section 16 thereof. This is in light of the legal opinion of Acting City Legal Officer, Atty. Clinton C. Nuevo, concerning the validity of Section 16 - TRANSITORY PROVISION - of the aforementioned ordinance (Copy of the said legal opinion of Atty. Nuevo dated 8 July 2009 is hereto attached as Annex "A"). This august Body consider the opinion of Atty. Clinton C. Nuevo, to be very important in the course of implementing Ordinance No. 153, the same being noteworthy in the sense that his opinion was appended on the "General Welfare Clause" under the Local Government Code of 1991. His recommendation for a policy shift in the Transitory Provision (Sec. 16) of the subject ordinance - from a gradual implementation to an outright enforcement of the color-coding and zoning scheme - is significant and tantamount to the rational transition in the process of enforcing the ordinance. Hence, there is a need to pass an amendatory ordinance that will really serve the purpose of its legislation, incorporating therein the appropriate recommendations of the Acting City Legal Officer.

FOREGOING PREMISES CONSIDERED, on motion of City Councilor Claudio P. Larrazabal, Chairman, Committee on Communications and Transportation, severally seconded by City Councilors Mariano Y. Corro, Fernando P. Parrilla and Rafael C. Omega, Jr.; be it

RESOLVED, to enact:

ORDINANCE NO. 156

AN ORDINANCE AMENDING THE TRANSITORY PROVISIONS OF ORDINANCE NO. 153, ENTITLED: "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 ENACTED, by the Eleventh Sangguniang Panlungsod ng Ormoc, That:

SECTION I. Section 16 of Ordinance No. 153 of this sanggunian reads as follows:

"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"

In line with the opinion of the Acting City Legal Officer, Atty. Clinton C. Nuevo, recommending for a possible modification of the implementation scheme of the ordinance from gradual to immediate and full implementation based on legal principles applicable thereto, hence,

Section 16 - TRANSITORY PROVISIONS of Ordinance No. 153 shall now read as follows:

"Section 16. TRANSITORY PROVISION - Operators of motorized tricycles for hire who have unexpired franchises upon the effectivity of this Ordinance shall have a period of three (3) months from the time of the effectivity of this ordinance to have their subsisting MTOPs be amended or modified to conform to the provisions of this Ordinance by surrendering the same with the Business Permits, Licensing and Franchising Office (BPLFO) which office is hereby tasked to ensure that the holders of subsisting MTOPs are duly notified of their respective schedules within said period for the proper and orderly amendment or modification of their franchises; Provided, that such alteration of existing MTOPs shall be free of charge and shall not in any way affect the operator's existing Mayors permit issued for CY 2009; Provided further, that failure to submit to the BPLFO for amendment of his existing MTOP despite notice within the period aforestated shall be a ground for the revocation or cancellation of said MTOP; Provided finally, that renewals of expired MTOPs shall now be governed by the provisions of this ordinance.

SECTION II. SEPARABILITY CLAUSE. All other provisions of Ordinance No. 153 of this sanggunian which are not affected by this amendment shall remain to be in full force and in effect.

SECTION III. EFFECTIVITY. This Ordinance shall take effect immediately after it shall have been published once in 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.

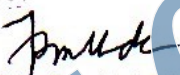
ENACTED, September 03, 2009.


RESOLVED, FURTHER, to furnish copies of this Ordinance, one each to His Honor, the City Mayor Eric C. Codilla, the City Administrator, the City Legal Officer, the City Treasurer, the Permits, Licensing and Franchising Office (BLFO); the City Director, Ormoc City Police Office, the Regional Trial Court and Municipal Trial Court in Ormoc City, the City Prosecutor's Office; Director William C. Palar, Regional Director, DILG; the Regional Director, LTO; the Regional Director, LTFRB; the Chief of Office, LTO District Office, Ormoc City; the President, 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.

ATTESTED:


FE S. LLADOC
Temporary Presiding Officer
(City Councilor)


JOEL S. DUERO
Secretary to the
Sangguniang Panlungsod

APPROVED:


ERIC C. CODILLA
City Mayor

SEP 10 2009

(Date)