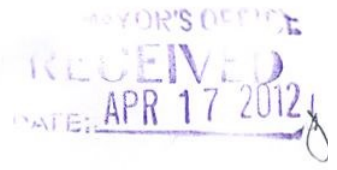




REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE TWELFTH
SANGGUNIANG PANLUNGSOD NG ORMOC HELD AT THE
SANGGUNIANG PANLUNGSOD SESSION HALL,
ORMOC CITY HALL BUILDING
ON APRIL 12, 2012

PRESENT:

Hon. Sotero M. Pepito	(Temporary Presiding Officer), City Councilor
Hon. Ruben R. Capahi,	City Councilor, Majority Floor Leader
Hon. Rolando M. Villasencio,	City Councilor, Minority Floor Leader
Hon. Claudio P. Larrazabal,	City Councilor, Presiding Officer "Pro-Tempore"
Hon. Lea Doris C. Villar,	City Councilor, Assist. Majority Floor Leader
Hon. Filomeno P. Maglasang,	City Councilor
Hon. Jose C. Alfaro, Jr.,	City Councilor
Hon. Demosthenes F. Tugonon,	City Councilor
Hon. Rafael C. Omega, Jr.,	City Councilor
Hon. Antonio M. Codilla,	Ex-Officio City Councilor
Hon. Corinne M. Corro,	Chapter President, Liga ng mga Barangay ng Ormoc
	Ex-Officio City Councilor,
	SK Federation President

OFFICIAL BUSINESS:

Hon. Nepomuceno P. Aparis I.	(Acting City Mayor), Vice Mayor & Presiding Officer
------------------------------	--

ABSENT:

Hon. Mario M. Rodriguez	(On Leave), City Councilor, Assist. Minority Floor Leader
-------------------------	--

PREFATORY STATEMENT

Presented to the 12th Sangguniang Panlungsod ng Ormoc is an indorsement dated February 22, 2012 from the Office of the City Mayor in connection with the application for franchise of Mr. Sidney M. Zosa, Proprietor/Operator, VS GrandTours, to operate a private mini-terminal located at Corner Rizal and Carlos Tan Streets, Ormoc City.

It can be recalled that VS GrandTours has been operating a transport business in Ormoc City for the past two (2) years hence, the operation of a private terminal is deemed appropriate and in accordance with the existing policies and regulations of DOTC, LTFRB and the City of Ormoc.

In relation thereto, the Sangguniang Barangay of District 21 who has the jurisdiction of the area where the private mini-terminal is located manifested their support on the operation of VS GrandTours Private Terminal as embodied in their Resolution No. 02, Series of 2012.

The matter has been referred to Mr. Emilio G. Tingson of the Business Permits and Licensing Office (BPLO) and upon evaluation of the documents submitted their office found out that the said application of Mr. Zosa is in order and that the BPLO is in favor of the application provided that all conditions and requirements for the granting of franchise shall be met by the applicant.

The proposed operation of a private terminal by VS GrandTours along Rizal and Carlos Tan Sts. is likewise believed to be beneficial to the city considering that it will help ease the traffic problems and congestion of vehicles in the City Public Bus Terminal.

Section 458, Par. (a), SubPar. (3) (vii) of the Local Government Code of 1991 empowers the Sangguniang Panlungsod to enact ordinances granting franchise to any person, partnership, corporation or cooperative to do business within the city.

9

WHEREFORE, FOREGOING PREMISES CONSIDERED, on motion presented by City Councilor Claudio P. Larrazabal, Chairman, Committee on Transportation and Communication, duly seconded by City Councilor Rolando M. Villasencio; be it

RESOLVED, to pass and enact:

ORDINANCE NO. 171

AN ORDINANCE GRANTING A FRANCHISE TO MR. SIDNEY M. ZOSA, PROPRIETOR/OPERATOR, VS GRANDTOURS, TO ESTABLISH, OPERATE AND MANAGE A PRIVATE MINI-TERMINAL EXCLUSIVELY FOR SHUTTLE SERVICES AT CORNER RIZAL AND CARLOS TAN STS., THIS CITY.

BE IT ORDAINED BY THE TWELFTH 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. Sidney M. Zosa, herein referred to as the GRANTEE, a franchise to establish, operate and manage a Mini-Private Terminal exclusively for Shuttle Services at corner Rizal and Carlos Tan 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 corner Rizal and Carlos Tan 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. In the event that the New City Terminal will be constructed and operational, the GRANTEE shall transfer to the said new terminal and shall continue its operation.

SECTION 6. 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 7. 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 Grantee 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 8. 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 9. 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 10. 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 11. 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, April 12, 2012.

Ord. No. 2012-171


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. Sidney M. Zosa, and others concerned.

CARRIED UNANIMOUSLY.


I HEREBY CERTIFY to the correctness of the foregoing resolution.


JOEL S. DUERO
Secretary to the
Sangguniang Panlungsod

ATTESTED:


SOTERO M. PEPITO
City Councilor
(Temporary Presiding Officer)

APPROVED:


ERIC C. CODILLA
City Mayor

9/23/12
(Date)