



REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE
THIRTEENTH SANGGUNIANG PANLUNGSOD NG ORMOC HELD
AT THE SANGGUNIANG PANLUNGSOD SESSION HALL,
ORMOC CITY HALL BUILDING
ON NOVEMBER 26, 2015

PRESENT:

Hon. Leo Carmelo L. Locsin, Jr.
Hon. Rolando M. Villasencio,
Hon. Tomas R. Serafica,
Hon. Mario M. Rodriguez
Hon. Benjamin S. Pongos, Jr.,
Hon. Antonio M. Codilla,
Hon. Vincent L. Rama,
Hon. Pedro Godiardo P. Ebcas,
Hon. Eusebio Gerardo S. Penserga,
Hon. John Eulalio Nepomuceno O. Aparis II,
Hon. Mariano Y. Corro,

Vice Mayor & Presiding Officer
SP Member, Majority Floor Leader
SP Member, Asst. Majority Floor Leader
SP Member, Presiding Officer "Pro-Tempore"
SP Member
SP Member
SP Member
SP Member
SP Member
SP Member
Ex-Officio SP Member
Chapter President, Liga ng mga Barangay ng Ormoc

ON LEAVE:

Hon. Ruben R. Capahi, SP Member, Asst. Minority Floor Leader

PREFATORY STATEMENT

Presented to this august is an indorsement dated October 19, 2015 from the Office of the City Mayor pertaining to the application for franchise of Ms. Evelyn C. Granados, Proprietor and Manager of Van-Van Tours to operate a mini-private Terminal along Osmeña Street., District 11, Ormoc City.

The Van - Van Tours has been operating a transport business for a couple of years now hence, the operation of a private terminal is deemed appropriate to provide a more convenient and amiable waiting place for the valued passengers and also it is in accordance with the existing policies and regulations of DOTC, LTRFB, and the City of Ormoc.

Anent thereto, the Sangguniang Barangay of District XI who has the jurisdiction of the area where the aforementioned terminal is located manifested their support on the establishment and operation of Van - Van Tours mini - Private Terminal as embodied in their Resolution No. 15, Series of 2015, subject to the conditions set forth therein.

Upon thorough and close evaluation by the Business Permits and Licensing Officer, Mr. Emilio G. Tingson on the matter, he issued an Indorsement dated October 9, 2015 with the findings that the application of Ms. Evelyn C. Granados is in order and have complied with all the required supporting documents pursuant to DOTC-LTO MC. 2008-013 guidelines.

The proposed establishment of a mini-private Terminal of Van-Van Tours along Osmeña St., District 11 is indeed beneficial to the riding public and to the City in general considering that it will help alleviate 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.

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WHEREFORE, FOREGOING PREMISES CONSIDERED, on motion of the Honorable SP Member Eusebio Gerardo S. Penserga, Chairman, Committee on Transportation and Communication, severally seconded by the Honorable SP Members Tomas R. Serafica, Antonio M. Codilla, Benjamin S. Pongos, Jr., Vincent L. Rama, Pedro Godiardo P. Ebcas, John Eulalio Nepomuceno O. Aparis II and Mariano Y. Corro; be it

RESOLVED, to enact:

ORDINANCE NO. 021

AN ORDINANCE GRANTING FRANCHISE TO MS. EVELYN C. GRANADOS, PROPRIETOR AND MANAGER OF VAN-VAN TOURS, TO ESTABLISH, OPERATE AND MANAGE A MINI-PRIVATE TERMINAL EXCLUSIVELY FOR SHUTTLE SERVICES AT OSMEÑA STREET, DISTRICT 11, ORMOC CITY.

BE IT ENACTED by the THIRTEENTH 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 Ms. Evelyn C. Granados, herein referred to as the GRANTEE, a franchise to establish, operate and manage a Mini-Private Terminal exclusively for Shuttle Services at Osmeña St. District 11, 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 Osmeña St., District 11;
- 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 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 be strictly 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;

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- 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 (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 the 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 cancelled 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 Government 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 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 THEREFORE, 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)


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ENACTED, November 26, 2015.

RESOVED, FURTHER, that copies of this ordinance be furnished each to the Honorable City Mayor Edward C. Codilla; the City Administrator; the City Legal Officer; the Permits, Licensing and Franchising Office; the City Planning and Development Office; Ms. Evelyn C. Granados, Proprietor & Manager, Van-Van Tours; the DILG - City Director, and others concerned;

CARRIED UNANIMOUSLY.


I HEREBY CERTIFY to the correctness of the foregoing ordinance.


JOEL S. DUERO
Secretary to the
Sangguniang Panlungsod

ATTESTED:


LEO CARMELO L. LOCSIN, JR.
Vice Mayor & Presiding Officer

APPROVED:


EDWARD C. CODILLA
City Mayor

DEC 10 2015

(Date)