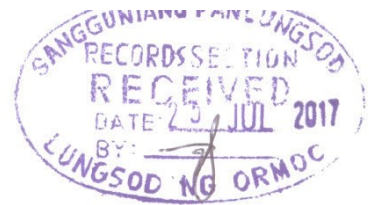


REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE
FOURTEENTH SANGGUNIANG PANLUNGSOD NG ORMOC HELD
AT THE SANGGUNIANG PANLUNGSOD SESSION HALL,
ORMOC CITY HALL BUILDING
ON JULY 20, 2017

PRESENT:

Vincent L. Rama,	(Temporary Presiding Officer),
	SP Member, Asst. Majority Floor Leader
Rolando M. Villasencio,	SP Member, Majority Floor Leader
Mario M. Rodriguez,	(OIC – City Vice Mayor),
	SP Member, Presiding Officer "Pro-Tempore"
Tomas R. Serafica,	SP Member
Benjamin S. Pongos, Jr.,	SP Member
Eusebio Gerardo S. Penserga,	SP Member
Gregorio G. Yrastorza III,	SP Member
Nolito M. Quilang,	SP Member
John Eulalio Nepomuceno O. Aparis II,	SP Member
	Minority Floor Leader
Lea Doris C. Villar,	SP Member, Asst. Minority Floor Leader
Mariano Y. Corro,	Ex-Officio SP Member
	Chapter President, Liga ng mga Barangay ng Ormoc

ON OFFICIAL BUSINESS:

Leo Carmelo L. Locsin, Jr.,	(OIC – City Mayor),
	Vice Mayor & Presiding Officer

PREFATORY STATEMENT

WHEREAS, an endorsement was issued by the City Mayor dated March 16, 2017 requesting the Sangguniang Panlungsod to enact an Ordinance that will provide for the guidelines of the establishment of a privately-owned transport terminal and prescribing the rules relative to its operation and maintenance.

WHEREAS, Sec. 17 the Local Government Code of 1991 provides that Local Government Units shall exercise power or discharge functions necessary to the efficient and effective provision of the basic services and facilities such as adequate communication and transportation facilities.

WHEREAS, correlatively, Sec. 458 (a)(5) (v) of the said code states that the Sangguniang Panlungsod, shall "regulate the use of streets, avenues, alleys, sidewalks, bridges, parks and other public places and approve the construction, improvement, repair and maintenance of the same; establish bus and vehicle stops and terminals or regulate the use of the same by privately-owned vehicles which serve the public, regulate garages and the operation of conveyances for hire, designate stands to be occupied by public vehicles when not in use x xx";

WHEREAS, with the growing number of privately-owned terminals and an anticipated increase of the number of applicants thereof, as a result to additional routes, growth and surging economic activities, there is a need to set proper guidelines in the establishment, operation and maintenance of privately owned transport terminals to ensure that all terminals are well-managed for the safety, comfort and well-being of the riding public coming in and going out of Ormoc through public conveyance.

FOREGOING PREMISES CONSIDERED, on motion of SP Member Rolando M. Villasencio, Chairman, Committee on Transportation & Communication, severally second by SP Members Nolito M. Quilang, Gregorio G. Yrastorza III, John Eulalio Nepomuceno O. Aparis II, Lea Doris C. Villar and Mariano Y. Corro; be it

RESOLVED, to enact;

ORDINANCE NO. 038

AN ORDINANCE REGULATING THE GRANTING OF LEGISLATIVE FRANCHISE TO PRIVATELY – OWNED AND OPERATED VAN TERMINALS IN THE CITY, PROVIDING PENALTIES FOR VIOLATION THEREOF, AND FOR OTHER PURPOSES.

BE IT ENACTED, by the Fourteenth Sangguniang Panlungsod ng Ormoc, That:

SECTION 1. TITLE. This Ordinance shall be known as AN ORDINANCE REGULATING THE GRANTING OF LEGISLATIVE FRANCHISE TO PRIVATELY – OWNED AND OPERATED VAN TERMINALS IN THE CITY.

SECTION 2. SCOPE. This Ordinance shall govern the operation of van terminals; including the review and approval of application for the issuance of a certificate of accreditation on the establishment of privately owned and operated van terminals operating and those that shall to operate within Ormoc City.

SECTION 3. DEFINITION OF TERMS/ACRONYMS. The words and acronyms in this Ordinance shall mean:

- (a) Committee – shall refer to the Accreditation Committee for Terminal Accreditation which is hereby created under this Ordinance;
- (b) LTFRB – shall refer to the Land Transportation Franchising and Regulatory Board, Region 8;
- (c) Inspection Team – shall be composed of the personnel from the Office of the Building Official/OBO, City Planning and Development Office/CPDO, City Treasurer's Office/CTO of the City of Ormoc;
- (d) Terminal – means a privately owned passenger station and a place for final stopover or a permanent station, office and yard exclusively for vans, which may also serve as loading and unloading area for passengers;
- (e) Certificate of Accreditation – shall refer to the document issued by the Accreditation Team allowing applicants to establish and operate private van terminals;
- (f) OBO – shall refer to the Office of the Building Official;
- (g) CPDO – shall refer to the City Planning and Development Office Zoning Division;
- (h) CTO – shall refer to the City Treasurer's Office;
- (i) Van – a covered box like air-conditioned motor vehicle, typically having a rear door and sliding door on the side panel, used for transporting goods or people.

SECTION 4. APPLICATION TO ESTABLISH AND OPERATE A PRIVATELY – OWNED VAN TERMINAL. Any person, natural or juridical, who desires to construct/establish and operate a privately – owned van terminal in Ormoc City must first secure a Legislative Franchise from the Sangguniang Panlungsod. The Certificate of Accreditation shall be the only requirement for the granting of the said Legislative Franchise.

SECTION 5. ACCREDITATION COMMITTEE. Upon approval of this Ordinance, there shall be created an Accreditation Committee composed of the following:

- (a) The City Mayor or his duly authorized Representative - Chairman
- (b) The Chairman, Committee on Transportation, and Communication of the Sangguniang Panlungsod - Vice-Chairman
- (c) Representative of CPDO - Member
- (d) Representative of Permits, Licensing, and Franchising Office - Member
- (e) Representative of OBO - Member
- (f) Representative of CTO - Member

All of whom, except the Chairman of the Committee on Transportation and Communication, shall be appointed by the City Mayor who shall serve as such for a term of three (3) years unless sooner removed from office or their term extended by a new appointment.

SECTION 6. FUNCTIONS. The Accreditation Committee shall have the following functions:

- (a) Coordinate, monitor and evaluate the establishment of privately owned terminals within the City;
- (b) Review and approve applications for the issuance of certificate of accreditation for the establishment of privately owned terminals in accordance with the requirements herein prescribed;
- (c) Upon 30 days from the approval of this Ordinance, the Committee shall prescribe rules and regulation not heretofore provided herein for the effective implementation of this Ordinance and other ordinances relating to privately owned terminals that may hereafter be enacted.

SECTION 7. SECRETARIAT. The Office of the Building Official shall assist the Committee and serve as its temporary Secretariat within three (3) months from the start of the implementation of this Ordinance, thereafter, the Accreditation Committee shall constitute a permanent secretariat who shall perform such specific duties and functions as may be directed by the Committee.

SECTION 8. REQUIREMENTS FOR ACCREDITATION. The following requirements shall be complied with before any application for the issuance of certificate of accreditation is approved, to wit:

- a. Favorable recommendation from the Deputized Zoning Administrator of Ormoc City, certifying to the fact that the location of the terminal conforms to the provision of the Comprehensive Land Use Plan of Ormoc City and the provisions of the Ormoc City Zoning Ordinance;
- b. Privately owned and operated van terminals shall have a minimum land area of Five Hundred square meters (500 sq. m.);
- c. At least seventy percent (70%) of the terminal area shall be allocated as Holding Point to include access road and backing court; at least twenty percent (20%) thereof as Passenger's Service Point to include waiting space and fixed benches; and the remaining ten percent (10%) as Administration Point to include security guard post and landscaping area;

- d. The terminal shall have a separate entrance and exit points;
- e. Separate and sufficient parking slots/spaces for at most ten (10) vans. Excess vans should be parked at a separate venue or area for parking;
- f. Adequate and comfortable benches and/or seats with backrests for waiting passengers;
- g. Concrete pavement and flooring;
- h. Roofing that would provide sufficient shade to passengers from heat of the sun or rain;
- i. Wide entrances and exits for easy mobility to and from the terminal;
- j. Communication facilities (such as Telephone, Wifi Internet services);
- k. Public Address System Facilities and CCTV cameras/monitors;
- l. Information and Passenger Assistance Counters;
- m. Appropriate and adequate signages;
- n. Separate restrooms for male, female and disabled passengers which must, at all times, be clean, sufficiently lighted, foul odor-free, ventilated, with clean running water, flush system, toilet seat with cover, lavatory, waste bin, toilet paper, mirror, dispenser with soap, hand dryer, dry flooring, functional door lock, and janitorial/maintenance personnel;
- o. Diaper-changing tables inside the female restrooms for female passengers traveling with infants/babies;
- p. Priority lane for persons with special needs specifically pregnant women, mothers traveling with infants and/or small children, and those with physical disabilities;
- q. Sufficient staff or attendants at the Information and Passenger Assistance Counters who shall assist passengers or anyone using the terminal;
- r. Sufficient number of security personnel, at least one (1) security personnel per shift, for the protection of passengers from abusive vendors, pickpockets, and other lawless elements and for the proper inspection of baggages;
- s. No repairs of vehicles shall be allowed inside the terminal premises;
- t. No street parking is permitted and all vans should be confined inside the terminal premises;
- u. Parking, loading and unloading of passengers and cargoes shall be confined within the terminal premises except 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.

SECTION 9. PROCEDURE FOR ISSUANCE OF CERTIFICATE OF ACCREDITATION. The following are the steps to be adopted in the review and approval of application for the issuance of certificate of accreditation, to wit:

- a. Any applicant for a certificate of accreditation shall write a letter of intent addressed to the Chairman of the Accreditation Committee containing the following:
 - 1. Name of Applicant (s);
 - 2. List of Officers of the Corporation/Cooperative/Partnership/Single-Proprietorship;
 - 3. List of services offered and their corresponding rates as approved by the appropriate regulatory agency; or as proposed to the said regulatory agency;
- b. The applicant shall submit the following documents together with the above letter of intent:

1. Articles of Incorporation and by Laws, whenever applicable;
2. Security and Exchange Commission (SEC)/Cooperative Development Authority (CDA) registration, whenever applicable;
3. In case of a Corporation or a Cooperative, a Board resolution authorizing the said application;
4. Authority or license to operate from the regulatory agency such as LTO, LTFRB;
5. Proof that the applicant has a legal right to use the property for the operation of the private terminal for the entire period applied for;
6. Architectural plan/Building Plan or structural design layout that should incorporate the requisites provided in Section 5 (d) to (q) of this Ordinance;
7. Other relevant papers as maybe required by the Committee;

The above documents and pertinent papers shall be submitted in four (4) copies to the Secretariat.

- c. Within two (2) working days from receipt of the documents required in section 6 (a) and (b), the secretariat shall refer a copy of the said application to OBO for the review of lay-out and plans respecting compliance with Section 5, (d) to (q);
- d. Within the same period stated under letter (c) above, a copy of said application shall also be furnished to the CPDO for review and recommendation respecting compliance with Section 5 (a) to (c);
- e. Within a period of three (3) working days from receipt of the application from the secretariat, OBO and CPDO shall submit their respective findings and recommendations in writing to the secretariat. Such period may be extended by the Secretariat for another 3-day period provided a request thereof be filed before the last day of the original period and only one (1) such extension is granted;
- f. Upon receipt of the respective findings and recommendations from OBO, and CPDO, the secretariat shall, within two (2) working days from receipt of the last findings and recommendations submitted, notify the members of the Committee to convene, which shall not be later than five (5) working days from the submission of the last findings and recommendations, furnishing the members thereof copies of the application and all findings and recommendations at least five (3) working days before its meeting;
- g. The Committee shall, in its meeting where a quorum is reached, thereupon evaluate, deliberate and decide on the application vis-à-vis the findings and recommendations of OBO and CPDO;
- h. Upon compliance with all the requisites stated above, the Committee shall at once approve the application and forthwith issue the certificate of accreditation. The Committee has authority however, to deny the application or refuse the issuance of a certificate of accreditation should it find the site of the terminal not feasible for terminal operation or it is repugnant to the interest of the public and of the City of Ormoc or for any violation of this Ordinance; or for any other reasonable grounds. However, the applicant whose application has been denied has the right within five (5) days to appeal to the Sangguniang Panlungsod the decision of the Accreditation Committee on capricious grounds;

- i. Within two (2) working days from the approval of the application by the Committee, the certificate of accreditation shall be prepared by the secretariat which shall contain the following and shall be forwarded, together with one (1) copy of the applicant's submitted pertinent documents and requirements, to the Sangguniang Panlungsod to wit:
 - (1) Name, address and other data of the applicant;
 - (2) Exact location of the terminal;
 - (3) Declaration of compliance with the rules and regulations;
 - (4) Condition that violation of any of the rules and regulations shall be cause for penalties and fines as provided in Section 12 or the automatic suspension and/or automatic cancellation of the certificate;
 - (5) Other conditions that the Committee may impose;
 - (6) Name and Signature of the Chairman of the Committee;
- j. The Certificate of Accreditation shall be a sufficient basis for the Sangguniang Panlungsod to grant a Legislative Franchise unless there are valid and legal reasons to deny the same as determined by the Sangguniang Panlungsod. It shall follow that the Legislative Franchise will have a life of minimum of five (5) years from the grant thereof; unless the applicant desires a shorter period.

SECTION 10. APPROPRIATION. The City Government shall appropriate the necessary and adequate amount annually for the implementation of this Ordinance.

SECTION 11. INSPECTION OF TERMINALS. The Inspection Team shall conduct inspections of the terminals at least twice a year for the requisites in Section 5 (d) to 5 (s) and the following:

- 11.1 Building and business permits of all structures and business operations should be posted within the vicinity of the terminal;
- 11.2 Certificate of Accreditation and Legislative Franchise between the City of Ormoc and the terminal's operator/management regarding the terminal business operation should be posted within the vicinity of the terminal;

With respect to the requisites in Section 5 (t) to 5 (v), the Traffic Enforcement and Management Office shall enforce these provisions from the start of the operation of the private terminals.

Any violation found by the Inspection Team and the Traffic Enforcement and Management Office during the conduct of the inspections, the respective offices shall recommend to the Permits and Licensing Office, for the imposition of the penalties under Section 12. Any action taken by the Permits and Licensing Office for the imposition of penalties must be reported to the Secretariat of the Committee for documentation purposes.

SECTION 12. PENALTY. For violation of specific provisions of this ordinance, the violator, natural or juridical, shall be fined accordingly in accordance with the Local Government Code:

1st Offense: P 3,000

2nd Offense: P 5,000

3rd Offense: Cancellation of Legislative Franchise by the Sangguniang Panlungsod after due notice

SECTION 13. TRANSITORY PROVISION. Privately – owned and operated van terminals that has an existing Legislative Franchise is allowed to operate until the expiration of its Legislative Franchise.

SECTION 14. SEPARABILITY. Any portion or provision of this Ordinance that may be declared ultra vires or invalid shall not nullify the rest of the provisions hereof.

SECTION 15. REPEALING/AMENDATORY CLAUSE. All ordinances, rules and regulations, or parts herein in conflict with or are inconsistent to the provisions of this ordinance are hereby repealed and/or modified accordingly. All existing ordinances that regulate or prescribe the granting of franchise shall not be applicable to applicants under this ordinance.

SECTION 16. EFFECTIVITY. This ordinance shall take effect after its approval and compliance of the posting and publication requirements pursuant to the R.A 7160 otherwise known as the Local Government Code of 1991.

ENACTED, July 20, 2017.


RESOLVED, AS IT IS HEREBY RESOLVED, to furnish copies of this Ordinance one to each to the City Mayor Richard I. Gomez; the City Administrator, the City Legal Officer, the Business Permits Licensing & Franchising Office, the City Planning & Development Office, the Office of the Building Official, the City Treasurer, the Traffic Enforcement and Management Office, the OIC-City Director, DILG, and other offices concerned;

CARRIED UNANIMOUSLY.


I HEREBY CERTIFY to the correctness of the above ordinance.


MARIA ANTONIETA S. CO HAT
(OIC – SP Secretary)
Supervising Administrative Officer

ATTESTED:


VINCENT L. RAMA
(Temporary Presiding Officer)
SP Member
Asst. Majority Floor Leader

APPROVED:


RICHARD I. GOMEZ
City Mayor

24 JUL 2017

(Date)