

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 OCTOBER 03, 2017 IN LIEU OF
OCTOBER 05, 2017

PRESENT:

Vincent L. Rama,

(Temporary Presiding Officer),
SP Member, Asst. Majority Floor Leader
(Acting City Vice Mayor),
SP Member, Majority Floor Leader

Rolando M. Villasencio,

Eusebio Gerardo S. Penserga,
Gregorio G. Yrastorza III,
Nolito M. Quilang,
John Eulalio Nepomuceno O. Aparis II,

SP Member
SP Member
SP Member
SP Member

Lea Doris C. Villar,
Mariano Y. Corro,

Minority Floor Leader
SP Member, Asst. Minority Floor Leader
Ex-Officio SP Member
Chapter President, Liga ng mga Barangay ng Ormoc

ON OFFICIAL BUSINESS:

Leo Carmelo L. Locsin, Jr.,

(Acting City Mayor),
Vice Mayor & Presiding Officer
(O.B. – Within Ormoc City), SP Member

Tomas R. Serafica,

ON LEAVE:

Mario M. Rodriguez,
Benjamin S. Pongos, Jr.,

SP Member, Presiding Officer "Pro-Tempore"
SP Member

PREFATORY STATEMENT

WHEREAS, the Committee on Police Fire and Penology was in receipt of an Indorsement from the Office of the City Mayor dated March 22, 2017, requesting therein for the enactment of a City Ordinance on imposition of Speed Limit for all kinds of motor vehicles traversing within the territorial jurisdiction of Ormoc City;

WHEREAS, there has been an alarming occurrence of traffic accidents in the highways, thoroughfares, streets, and roads of Ormoc City primarily caused by overspeeding and reckless driving, thus, an imperative for the adoption of local measures responsive to the current situation with a view of reasonably and effectively obviating traffic accidents resulting from over speeding and reckless driving;

WHEREAS, based on statistical data gathered by the Traffic Enforcement And Management (TEAM) Office of Ormoc City for the period of January to July 2017, One Hundred Forty Five (145) "Traffic Related Accidents within Ormoc City" due to "Reckless Driving or Overspeeding", were recorded, resulting to One Hundred Thirty Five (135) various Injuries and Fifteen (15) Deaths;

WHEREAS, this legislative action and proposal is pursuant to Article II, Section 458 of Republic Act No. 7160 otherwise known as the Local Government Code of 1991, which empowers the Sangguniang Panlungsod to regulate traffic on all streets and bridges within its territorial jurisdiction, and to enact such measures that will enhance the public health, safety, convenience, maintain peace and order, and promote general welfare and prosperity to its inhabitants;

WHEREAS, a local measure providing for speed limits must be anchored on the basic precept outlined on Section 35 of Republic Act No. 4136, otherwise known as the Land Transportation and Traffic Code, which states that: *"Any person driving a motor vehicle on a highway shall drive the same at a careful and prudent speed, not greater nor less than what is reasonable and proper, having due regard for the traffic, the width of the highway, and of any other condition then and there existing; and no person shall drive any motor vehicle upon a highway at such a speed as to endanger the life, limb and property of any person, nor at a speed greater than will permit the vehicle to a stop within the assured clear distance ahead"*;

WHEREAS, there is already a need to enact a City Ordinance which will revise existing "Speed Limit" Ordinances of Ormoc City in order to conform with Republic Act No. 4136, otherwise known as the Land Transportation and Traffic Code, and the present needs of the City of Ormoc.

WHEREFORE, all foregoing premises considered, on motion of Gregorio G. Yrastorza III, Chairman, Committee on Police, Fire & Penology, severally seconded by SP Members Lea Doris C. Villar, John Eulalio Nepomuceno O. Aparis II and Mariano Y. Corro; be it

RESOLVED, to Enact:

ORDINANCE NO. 046

AN ORDINANCE PRESCRIBING A "MAXIMUM SPEED LIMIT" WITHIN ORMOC CITY.

BE IT ORDAINED, by the 14th Sangguniang Panlungsod ng Ormoc in session duly assembled, That:

SECTION 1. TITLE. This ordinance shall be called "ORMOC CITY SPEED LIMIT ORDINANCE OF 2017".

SECTION 2. DEFINITION OF TERMS. For the purpose of this Ordinance, the following terms are defined as follows:

- a) Administrative Fine – shall refer to the non-contest imposable fine that will be imposed to any violator without resorting to the judicial court;
- b) City Citation Ticket – shall refer to the official ticket issued by the traffic enforcement officers and/or personnel to traffic violator stating his or her violation and its corresponding fine;
- d) City Proper – shall refer to the areas covered by all District Barangays (Barangay Districts 1-29), Ormoc City;
- e) Crosswalk or Pedestrian Lane – is a marked place designated for pedestrians to cross a road. It is designed to keep pedestrians together where they can be seen by motorists, and where they can cross most safely across the flow of vehicular traffic;
- f) Intersection or Crossing – a place within thirty (30) meters before two or more roads meet, especially when at least one is a major highway;

- g) School Zone – shall refer to an area within thirty (30) meters before and after the school vicinity proper or thirty (30) meters near a crosswalk leading to a school that has a likely presence of younger pedestrians. Shall include school zones in all Barangays of Ormoc City;
- h) Traffic Enforcement And Management (TEAM) Office – shall refer to the office created by Ormoc City Ordinance No. 005, Series of 2016, specifically created to effectively carry out or implement traffic rules and regulations, as well as for the efficient management of traffic conditions.

SECTION 3. For traffic regulation purposes, the following national streets located within the City Proper shall be treated as City Streets in this Ordinance:

- 1. Real Street;
- 2. Hermosilla Drive; and
- 3. Aviles Street.

SECTION 4. SPEED LIMITS. All motorists driving any kind of motor vehicle within the territorial jurisdiction of Ormoc City shall strictly observe the maximum allowable speed or speed limits (in kilometers per hour) provided hereunder:

- 4.1 Outside City Proper on open country roads, with no "blind corners":
 - Passenger Cars and Motorcycles - 80
 - Motor Trucks and Buses - 50
- 4.2 On "through streets" or boulevards, clear of traffic, with no "blind corners," when so designated:
 - Passenger Cars and Motorcycles - 40
 - Motor Trucks and Buses - 30
- 4.3 Within the City Proper:
 - Passenger Cars and Motorcycles - 30
 - Motor Trucks and Buses - 30
- 4.4 Approaching and Within School Zones:
 - Passenger Cars and Motorcycles - 20
 - Motor Trucks and Buses - 20
- 4.5 Crowded streets; approaching intersections and blind curve or corners:
 - Passenger Cars and Motorcycles - 20
 - Motor Trucks and Buses - 20

SECTION 5. PENAL CLAUSE. All motorists or drivers found violating any provision of this Ordinance shall be issued a City Citation Ticket. The violator may opt to pay an Administrative Fine of Five Hundred Pesos (Php 500.00) at the Treasurer's Office of Ormoc City within Ten (10) Days from the issuance of the City Citation Ticket, otherwise, an appropriate case for violation of this City Ordinance shall be filed in court.

Should he/she be found liable for violation of this Ordinance, the violator shall pay a Fine of Not Less Than One Thousand Pesos (Php 1,000.00), and Not More Than Two Thousand Pesos (Php 2,000.00), and/or Imprisonment of Not More Than One (1) month, at the discretion of the court.



SECTION 6. ENFORCEMENT. The Traffic Enforcement And Management (TEAM) Office, the Philippine National Police (PNP), the Land Transportation Office (LTO), the Department of Public Works and Highways (DPWH), the City Engineering's Office, the City Treasurer's Office and other concerned government agencies of Ormoc City shall ensure the strict implementation of this Ordinance.

SECTION 7. AUTHORITY TO ISSUE A CITY CITATION TICKET. The Traffic Enforcers of the TEAM Office and/or the PNP Officers are hereby granted authority to issue a City Citation Ticket.

SECTION 8. TRAFFIC SIGNAGES. The Traffic Enforcement And Management (TEAM) in coordination with the City Engineering Office and Department of Public Works and Highways (DPWH), Ormoc City, will ensure that proper visible permanent Traffic Signage must be placed in the City boundaries, school zones and other areas designated for the purpose upon the approval of this Ordinance.

SECTION 9. NON-APPLICABILITY CLAUSE. The rate of speed prescribed in this Ordinance shall not apply to:

- 8.1. Police and Law Enforcement Vehicles engaged in hot pursuit, responding to a crime, or otherwise engaged in the performance of law enforcement duties requiring rapid response;
- 8.2. Fire trucks or any vehicle of the Bureau of Fire Protection responding to an emergency;
- 8.3. Ambulances proceeding to the assistance of a wounded or ill person, or transporting such person to a clinic, hospital or any other similar medical facility;
- 8.4. Vehicles of any of the branches of the Armed Forces of the Philippines when engaged in combat operations, the transport of wounded personnel, or otherwise engaged in the performance of duties requiring rapid response;
- 8.5. Any vehicle driven by a physician responding to a medical emergency;
- 8.6. Any vehicle transporting a wounded or ill person to a clinic, hospital or any other similar medical facility; and
- 8.7. Any privately-owned vehicle responding to a personal or family emergency, or in pursuit of a criminal.

SECTION 10. SEPARABILITY CLAUSE. If for any reason, any provision, portion or part of this ordinance is found to be inconsistent with any law, other provisions or part or parts thereof not so affected shall remain in full force and effect.

SECTION 11. REPEALING OR AMENDATORY CLAUSE. All other ordinances, rules and regulations or part or parts thereof, which are inconsistent or in conflict with the provisions of this ordinance are also hereby repealed, amended and or modified accordingly.

SECTION 12. EFFECTIVITY. This Ordinance shall take effect upon its approval and publication in the local newspaper of general circulation, and posting in conspicuous places in the City of Ormoc as required under the Local Government Code.

SECTION 13. TRANSITORY PROVISION. The penal provisions of this Ordinance shall take effect on January 01, 2018.

ENACTED, October 03, 2017.

Ord. No. 046

RESOLVED, FURTHER, to furnish Copies of this ordinance one each to the City Mayor Richard I. Gomez; the City Administrator, Mr. Vincent L. Emnas; the City Legal Officer, Atty. Jasper M. Lucero; the City Treasurer's Office; the City Engineering Office; the Land Transportation Office; the Head, Ormoc City Traffic Enforcement and Management Office; the DPWH, 4th Leyte Engineering District; the City Director, Ormoc City Police Office; the respective Punong Barangays of Brgy. Districts 1-29, Ormoc City; the OIC-City Director, DILG; and other offices concerned;

CARRIED UNANIMOUSLY.


I HEREBY CERTIFY to the correctness of the above ordinance.


MARIA ANTONIETA G. 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
11 OCT 2017

(Date)