



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 FEBRUARY 22, 2018

PRESENT:

Vincent L. Rama,	(OIC-City Vice-Mayor & Temporary Presiding Officer), SP Member, Asst. Majority Floor Leader
Tomas R. Serafica,	(Temporary Majority Floor Leader), 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.,	(O.B. - Cebu City), Vice Mayor & Presiding Officer
Rolando M. Villasencio,	(OIC - City Mayor), SP Member, Majority Floor Leader
Mario M. Rodriguez,	(O.B. - Tacloban City), SP Member, Presiding Officer "Pro-Tempore"

PREFATORY STATEMENT

WHEREAS, an endorsement was issued by the City Mayor dated January 24, 2018 requesting the consideration of the application for a Legislative Franchise of Mr. Rodolfo B. Pfeider II, to establish, operate and manage a Duptours Shuttle Service Depot at Bonifacio St., and Duptours Garage and Drivers' Quarter at Brgy. Can-adieng, Ormoc City;

WHEREAS, the Accreditation Committee which is tasked to evaluate applications for the establishment and operation of privately-owned and operated van terminals passed Resolution No. 01, s. of 2018, "A Resolution Meriting the Issuance of a Certificate of Accreditation to Mr. Rodolfo B. Pfeider II for Duptours Shuttle Service". Consequently, issuing a Certificate of Accreditation dated January 22, 2018 to Mr. Pfeider II, certifying compliance with all the necessary requirements in Ordinance No. 038, otherwise known as "An Ordinance Regulating the Granting of Legislative Franchise to Privately - Owned and Operated Van Terminals in the City, and Providing Penalties for Violations Thereof, and for Other Purposes";

WHEREAS, the said certification bore the favorable recommendation of the said Committee for the grant of a Legislative Franchise from the Sangguniang Panlungsod ng Ormoc provided that all conditions and requirements set in all applicable City Ordinances shall be met and complied by the applicant;

WHEREAS, it can be recalled that Duptours Shuttle Services has been operating a transport business and mini-terminal in Ormoc City for the past ten (10) years, and have been servicing the riding public to and from Ormoc City;



WHEREAS, the operation of a private terminal is 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;

WHEREAS, Section 458, par. (a), subpar. (3)(viii) 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;

NOW THEREFORE, on motion of SP Member Eusebio Gerardo S. Penserga, Vice Chairman, Committee on Transportation and Communication, jointly seconded by SP Members Tomas R. Serafica and Mariano Y. Corro; be it

RESOLVED, to enact:

**ORDINANCE NO. 062**

**AN ORDINANCE GRANTING A LEGISLATIVE FRANCHISE TO MR. RODOLFO B. PFLEIDER II, PROPRIETOR/OPERATOR OF DUPTOURS SHUTTLE SERVICE, TO ESTABLISH, OPERATE AND MANAGE A DUPTOURS SHUTTLE SERVICE DEPOT AT BONIFACIO ST., AND DUPTOURS GARAGE AND DRIVERS' QUARTER AT BRGY. CAN-ADIENG, THIS CITY.**

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

**SECTION 1.** Subject to the provisions of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, and applicable laws, rules and regulations, there is hereby granted to Mr. Rodolfo B. Pfleider II, herein referred to as GRANTEE, a franchise to establish, operate and manage a Duptours Shuttle Services Depot at Bonifacio St., Ormoc City and a Duptours Garage and Drivers' Quarter at Brgy. Can-adieng, 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 Ordinance No. 038, otherwise known as "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". Further, the GRANTEE shall comply with the following:

- a) Proper waste management shall strictly be observed in accordance with RA 9003, otherwise known as the "Ecological Solid Waste Management Act of 2000", and RA 6969, otherwise known as the "Toxic Substances and Hazardous and Nuclear Wastes Control Act 1990";
- b) Cleanliness shall be maintained at all times in the premises of the terminal;
- c) No sidewalk vendors or parking of tricycle for hire shall be allowed in the vicinity;
- d) Upon acceptance of this franchise, vehicles of the GRANTEE shall no longer be allowed to use the facilities of the Ormoc Public 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 Fifty (P50.00) 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.

**SECTION 5.** The GRANTEE shall hold the City Government of Ormoc harmless of 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 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 7.** Within sixty (60) days from receipt of a copy of this Ordinance, the GRANTEE shall file with the Accreditation Committee, 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.** The GRANTEE shall be given twenty-four (24) months from the date of acceptance as provided in the preceding section herein to comply with all the terms and conditions of this Ordinance and other applicable ordinances and rules and regulations. Failure of the GRANTEE to fully comply within aforementioned period shall render this franchise *ipso facto* revoked.

**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 after its approval and compliance of the posting and publication requirements pursuant to the RA 7160 otherwise known as the Local Government Code of 1991.

ENACTED, February 22, 2018.

RESOLVED, FURTHER, to furnish copies of this Ordinance one each to the City Mayor Richard I. Gomez; the City Administrator; the City Legal Officer; the City Treasurer; the Business Permits, Licensing & Franchising Office; the Grantee, Mr. Rodolfo B. Pfeider II; the City Planning & Development Office; the Office of the Building Official; the Traffic Enforcement & 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 G. CO HAT  
(OIC - SP Secretary)  
Supervising Administrative Officer

ATTESTED:

  
VINCENT L. RAMA  
(OIC-City Vice-Mayor & Temporary Presiding Officer)  
Asst. Majority Floor Leader  
SP Member

APPROVED:

  
RICHARD I. GOMEZ  
City Mayor

26 FEB 2018

(Date)