

Republic of the Philippines
PROVINCE OF ORIENTAL NEGROS
CITY OF BAYAWAN
Office of the Sangguniang Panlungsod

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION HELD BY THE CITY COUNCIL OF BAYAWAN, ORIENTAL NEGROS ON JANUARY 17, 2006 AT 2 O'CLOCK P.M. AT THE SP SESSION HALL.

PRESENT:

Hon. Clayborne Clyde L. Lim	Councilor, Acting Presiding Officer
Hon. Rowena T. Cabanban	Councilor
Hon. Peter Paul F. Renacia	-do-
Hon. Francisco T. Diao	-do-
Hon. Douglas T. Tijing	-do-
Hon. Agustin L. Barte Jr.	-do-
Hon. Novelito A. Herrero	-do-
Hon. John T. Raymond Jr.	-do-
Hon. Guillermo A. Diao	-do-
Hon. Antonio B. Villamil	-do-
Hon. Oscar T. Villamil	President, LNMB
Hon. Fredelyn T. Trayvilla	SK Federated President

ABSENT:

Hon. Rene G. Gaudiel	Vice Mayor (OIC Mayor)
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RESOLUTION NO. 23

“Presented Resolution No. 463, series of 2005, of the Sangguniang Panlalawigan of Oriental Negros, returning Resolution No. 208, series of 2005, of this body, enacting ordinance No. 14, “An Ordinance Regulating the Operation of Motorized Tricycles within the City of Bayawan” for modification, inviting attention to the following comments of the Provincial Attorney embodied in his 2nd endorsement dated May 31, 2005, to wit:

1. That “the penalty of 50% for failure to pay a supervision fee of PHP50.00 per unit” as provided under Section XIV of the said ordinance is excessive. Article 256 of the Rules and Regulations Implementing the Local Government Code of 1991 allows “an imposition of a surcharge not exceeding twenty five percent “25%” of the amount of taxes, fees, or charges not paid in time”
2. That the imposition of “automatic fines” as penalties for violation of the provisions of the ordinance, provided under Section XV, hereof, is unconstitutional as it violates the due process clause guaranteed under the constitution.

“WHEREAS, similarly there are also requests from the different Motorized Tricycles Associations within the city for fare increase.

“WHEREAS, considering the above, the body deemed it proper to revise the foregoing ordinance.

“WHEREFORE, on motion of Honorable Councilor Barte and duly seconded by Honorable Councilor Raymond, the Council

“RESOLVED, To enact, as it hereby enacts, the following ordinance to wit:

ORDINANCE NO. 3

**REVISED ORDINANCE REGULATING THE OPERATION
OF MOTORIZED TRICYCLES WITHIN THE CITY OF
BAYAWAN.**

Be it ordained by the City Council of Bayawan, Negros Oriental, Philippines, that:

Section I. Definitions:

- a. **Motorized Tricycle For Hire** - is a public conveyance composed of a motorcycle fitted with a single-wheeled side car or a motorcycle with a two-wheeled cab operated to render transport services to the general public for a fee.
- b. **(MTO) Motorized Tricycle Operators' Permit** - is the document granting franchise or license to operate issued to a person, natural or juridical, allowing him/it to operate tricycles-for-hire over zones or routes specified therein.
- c. **Zones** - a contiguous land area or block where a tricycle-for-hire may operate without a fixed origin and destination.
- d. **Routes** - a contiguous land area where a tricycle-for-hire is granted by the MTO to operate with fixed origin and destination.
- e. **Fares** - an amount or cash due to driver as compensation of a contract of transport services rendered by the driver to a passenger for the latter's goods/cargoes.

Section II. Drivers

Tricycle Drivers-For-Hire - No person shall be qualified to be a driver unless he presents the following:

1. Professional Driver's License issued by the Land Transportation Office.
2. Character Training Certificate

Section III.

- a. No person shall be qualified to be an operator of a tricycle for-hire unless he is a Filipino citizen or if a partnership or corporation duly recognized in accordance with existing laws, 60% of which must be Filipino owned.
- b. Number of Units Authorized to be Registered and Operated. The total number of units authorized to be registered and operated within the jurisdiction of the City of Bayawan, Province of Negros Oriental shall not be more than 500 units unless increased or decreased by an ordinance.
- c. Painting or color to be used shall be in accordance with the color scheme plying within the route with corresponding numbers printed using reflectorized paint in front and rear of the cab with 3 colors combination of white, black, and yellow.
- d. Quotations promoting good morals as provided by the Character First Program shall be displayed in front of the passengers' seat and at the rear portion of the tricycle.
- e. Maintain garbage receptacle and to encourage the passengers to jointly cooperate in the implementation of the City Solid Waste Management, Character First, and Healthy City Program.

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Section IV. Motorized Tricycle Operators Permit (MTOPI) - No person shall be allowed to operate a tricycle-for-hire unless he is issued a Motorized Operator's permit (MTOPI) by the Sangguniang Panlungsod; provided, however, that no MTOPI should be granted to any operator unless his unit/units is/are registered with the Land Transportation Office.

The same document shall be carried by the driver at all times while performing public transport services.

Section V. Zoning, Routes, Color/Paint of Tricycles for-Hire - There shall be one zone described as the Territorial City boundary of Bayawan City, Negros Oriental which jurisdiction the MTOPI grant privilege for tricycles-for-hire to operate the zone, which is described into routes, with authorized paint/color and total number of units outlined as follows:

From the main public terminal to and from:

Provided that the reserve number will be allocated through SP legislation.

ROUTE	COLOR/PAINT	AUTHORIZED NUMBER OF UNIT
1. Banga-Lopezville, Cabcabon (City Center)	White and Blue	20
2. Bayawan College, Marli Plywood	White and Red	10
3. Amparos Village, San Ramon	White and Green	15
4. National High School, NORSU Caranoche	White and Yellow	150
5. Malabugas, Pagatban	Blue	120
6. Cansig-id, Candalaga, Mantapi	Green	15
7. Milagrosa, Guisocon,	Red	20
8. Nangka Canalum, Tan-ayan	Red and Blue	30
9. Napit-an, Maninihon	Yellow	30
10. Reserve		90

Implementation of color coding in any route shall be three (3) years after the approval of this ordinance which will not be later than July 01, 2007

Provided, that, MTOPI issued to tricycles for-hire outside the city shall be allowed to ply their trade only on the following routes:

1. Bayawan Main Terminal to Caranoche
2. Bayawan Main Terminal to Pagatban

Provided further, that MTOPI issued to operators of tricycles for-hire from place of residence may ply direct their student passengers to public and private schools of the city such as Bayawan National High School, St. Augustine Academy, Bayawan College and ply to Bayawan Cemetery during Halloween of every 1st and 2nd day of November every year. Except in urgent/emergency cases or used for personal purposes/hired privately, no operator shall be permitted to operate outside any other route than that specifically allowed by the MTOPI.

Section VI. Tricycle for Hire. Carriage of Passengers. No driver shall be allowed to carry more than ten (10) passengers plus 100 kilos of cargo at any given time/point of the trip.

It is also prohibited to load cargoes on top and at the side of the motorized tricycle.

Section VII. Boarding and Alighting of Passengers. Except for specific instances and places where the law prohibits tricycles drivers may allow passengers to board or alight without causing nuisance to the traffic and or pedestrians at that given time.

Section VIII. There shall be designated in the public terminal area and such specific streets/places for the loading and unloading of goods and cargoes in accordance with existing ordinance(s).

Section IX. Fares

#	Destinations	Fare
1	Minimum fares	6.00
	Student & Senior Citizen	4.00
	Children (Elem. Grades)	3.00
2	Bayawan Terminal to City High School	6.00
	Students & Senior Citizen	4.00
3	Bayawan Terminal to PLDT	6.50
	Students & Senior Citizen	4.50
4	Bayawan Terminal to Villareal Elem. Sch. Crossing Maninihon	7.00
	Students & Senior Citizen	5.00
5	Bayawan Terminal to NORSU/Caranoche	7.00
	Students & Senior Citizen	5.60
6	Bayawan terminal to Tihab	10.50
	Student & Senior Citizen	8.00
7	Bayawan Terminal to Banga-Lopezville	6.00
	Students & Senior Citizen	4.00
8	Bayawan Terminal to Cabcabon (City Center)	6.50
	Students & Senior Citizen	5.00
9	Bayawan Terminal to Cansig-id	8.00
	Students & Senior Citizen	6.00
10	Bayawan Terminal to Candalaga & to Mantapi	10.00
	Student & Senior Citizen	8.00
11	Bayawan Terminal to Crossing Pandan	6.00
	Students & Senior Citizen	4.00
12	Bayawan Terminal to Cambolo	7.00
	Students & Senior Citizen	5.00
13	Bayawan Terminal to Crossing Tayawan	7.00
	Students & Senior Citizen	5.00
14	Bayawan Terminal to Malabugas	8.00
	Students & Senior Citizen	6.00
15	Bayawan Terminal to Cansilong	9.00
	Students & Senior Citizen	7.00
16	Bayawan Terminal to Tab-ang	10.00
	Students & Senior Citizen	8.00

17	Bayawan Terminal to Pagatban Proper Students & Senior Citizen	11.00 8.00
18	Bayawan Terminal to Bayawan College Student & Senior Citizen	6.50 4.00
19	Bayawan Terminal to Marli Plywood Student & Senior Citizen	7.00 5.00
20	Bayawan Terminal to Amparos Village Student & Senior Citizen	6.00 4.00
21	Bayawan Terminal to San Ramon Students & Senior Citizen	6.00 4.00
22	Bayawan Terminal to Ondol Student & Senior Citizen	7.00 5.00
23	Bayawan Terminal to Nangka, Hugno & Tan-ayan Student & Senior Citizen	10.00 8.00
24	Bayawan Terminal to Canalum Student & Senior Citizen	9.00 7.00
25	Bayawan Terminal to Milagrosa Student & Senior Citizen	11.00 9.00
26	Bayawan Terminal to Guisocon Student & Senior Citizen	14.00 11.00

Fares for goods and cargoes shall be agreed between the driver and the owner, thereof, provided the same shall not be unconscionable. Provided further, that in case of disagreement the fare structures commonly agreed or charge in the locality shall prevail.

Section X. Refusal to carry passengers. Except when the number of passengers exceeds the limit prescribed by Section VI, hereof, or when passengers show manifestations of communicable diseases and ailments, except when the passenger is going to the hospital, or in cases of mechanical defects, no driver shall refuse carriage of passengers at any point of the trip; provided, that in cases of "pakyaw" trip, a sign to this effect shall be placed in front of the cab.

Section XI. Sounding/Blowing of Horns. Except where circumstances urgently require, no driver shall be allowed to blow/sound horns in the following areas/zones:

- a. Schools - between 7:00 am – 5:00 pm .
- b. Hospitals - At all times.
- c. Churches - those with existing signs
- d. City Quadrangle - at all times
- e. Other places where silence is required/observed as manifested by signs.

Section XII. Parking Site. Except in cases of force majeure/fortuitous event or such circumstances where motorized tricycles-for-hire is forced to park, designated parking sites shall be specified portions of the public terminal established by existing ordinance(s) as the point of origin and such area/site as may be designated by proper Barangay Officials in coordination with the Local Enforcement Agency, as the point of destination.

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Section XIII. Driving Prohibitions.

No driver shall be allowed to drive tricycles-for-hire under any of the following circumstances.

- a. None observance of personal hygiene.
- b. Smoking while driving.
- c. Drunk while driving.
- d. Influence of drug and/or any substance that deprives his sensory capability to exercise extraordinary diligence required by law while driving.
- e. Sick/ailing.
- f. Contaminated or carrying communicable or incurable disease.
- g. Without professional drivers license.
- h. Without a valid ID issued by the LGU
- i. Wearing of sando, short pants and slippers.
- j. Engaging conversation to the passenger while the motorized tricycle is in motion.
- k. Playing of radio or tape music at very loud level.

Section XIV. Regulation on MTOP. It shall be within the power of the Sangguniang Panlungsod to issue, amend, revise, renew, suspend, or cancel MTOP of tricycles-for-hire operating under its jurisdiction.

The MTOP shall be valid for three years, renewable for the same period. Transfer to another zone, change of ownership of unit or transfer of MTOP shall be construed as a cancellation of the MTOP and shall require appropriate approval of the SP.

There shall be collected an annual supervision fee of P50.00 per unit payable in the month of January of each year.

A penalty of 50% plus 1% surcharge per month of delinquency shall be imposed for failure to pay on the aforementioned month.

Section XV. Penalties. Drivers and operators shall be jointly liable for violating any of the provisions, herein outlined, shall be subjected to the following penalties:

1. **First Offense** - automatic fine of P50.00
2. **Second Offense** - automatic fine of P100.00 plus suspension of MTOP for a period of 3 days.
3. **Third Offense** - fine of P200.00 and a suspension of MTOP for a period of 10 days.
4. **Fourth Offense** - fine of P300.00 and suspension of MTOP for a period of 15 days.
5. **Fifth Offense** - fine of P500.00 and suspension of MTOP for a period of 30 days, &
6. **Sixth Offense** - cancellation of MTOP

Provided, that no MTOP shall be renewed unless all the obligations and fines shall have been paid to the city government.

Provided further, that operators with cancelled MTOPs shall not be allowed to re-apply for a new privilege.

Section XVI. Repealing Clause. This ordinance supercedes Resolution No. 208, enacting Ordinance No. 14, series of 2005 .


Section XVII. Effectivity. This ordinance shall take effect after compliance with the provisions of R. A. 7160.

“Enacted “

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I hereby certify to the correctness of the foregoing resolution

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JULIUS T. ESPARTERO
Legislative Staff Officer IV
(OIC – Secretary to the Sanggunian)

ATTESTED



CLAYBORNE CLYDE L. LIM
Councilor
Acting Presiding Officer

APPROVED: FEB 23 2006



GERMAN P. SARAÑA JR.
Mayor

Copy For:

- The Honorable Provincial Board, Dumaguete City