

Republic of the Philippines
PROVINCE OF LEYTE
City of Baybay
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Office of the Sangguniang Panlungsod

Excerpt from the

MINUTES OF THE 22nd REGULAR SESSION OF THE SANGGUNIANG PANLUNGSOD OF BAYBAY CITY, LEYTE HELD AT THE SESSION HALL ON JUNE 29 2015.

ORDINANCE NO. 007 S. 2015

AN ORDINANCE AMENDING MUNICIPAL ORDINANCE NO. 11, S. OF 2005 "AN ORDINANCE REGULATING THE OPERATION OF MOTOR-TRICYCLES PLYING THE ROUTES WITHIN THE POBLACION OF BAYBAY CITY, PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF AND FIXING THE MINIMUM FARE."

SPONSORED BY: HONORABLE LEONCIO P. ASILOM, JR., AND HONORABLE EDEN C. BUTAWAN.

Whereas, motor tricycles, their drivers and operators are partners in the day to day economic activity of the people of Baybay City, being one of the most sought after means of public transport operating within the poblacion of the city, in conveying goods and human passengers;

Whereas, the rapid increase in the number of motor tricycles plying the routes within the poblacion calls for a system to address this situation;

Whereas, the price of petroleum products have increased many times over between the period 2005 and the present time; and

Whereas, the motor tricycle-operators-and-drivers associations have repeatedly requested for a minimum fare adjustment due to the increased cost of gasoline and maintenance.

Now, therefore, be it Resolved, as it hereby does Resolve, to amend Ordinance No. 11, series of 2005, to respond to the needs of the present times, specifically, Sections 3 and 4: Fixed Rate or Minimum Fare and Penalties. Further in the amended Ordinance Section 3 becomes Section 4 and Section 4 becomes Section 5.

Section 1. Title and Scope – This shall be known as **The Ordinance Amending Municipal Ordinance No. 11, Series of 2005**. All motor tricycles, drivers and operators plying the three (3) poblacion routes prescribed in Section 2 of this Ordinance are covered herein.

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Section 2. Definition of Terms - For purposes of this Ordinance, the following terms shall have the corresponding meaning:

1. Poblacion. n. The term poblacion refers to the areas and boundaries from where motor tricycles covered in this Ordinance may operate. These are:
 - 1.1 East – In the direction towards Tacloban City, the boundary is the office of LEYECO IV;
 - 1.2 South – In the direction going to Maasin City, the boundary is the public cemetery in barangay Hipusngo; and
 - 1.3 North – In the direction of Ormoc City, the boundary is set at the foot of Dungcaan Bridge.
2. Motor Tricycle – Any motorized vehicle with three (3) wheels offered to the public for the conveyance of both passenger and cargo.

Section 3. Prohibited Acts or Omissions – The following are deemed prohibited acts or omissions:

1. Refusal to convey passengers or conveying a passenger over another for a larger consideration or for reason of convenience for the driver;
2. Driving under the influence of liquor or prohibited drugs;
3. Driving without license or permit; and
4. Operating a motor tricycle without the assigned body number or a plate number.

Section 4. Fixed Rate or Minimum Fare – The fixed rate or minimum fare is P 6.00 per passenger upon the publication and approval of this Ordinance. And starting January 1, 2017, the minimum fare will be P 7.00 per passenger.

Section 5. Penalties—The following penalties and fines are meted on the driver and operator of violations against Sections 2 and 3 of this Ordinance.

1. Driver – 1st violation: Fine of 100 pesos per violation plus suspension of the right to drive for five (5) consecutive days. Subsequent violations are meted imprisonment of fifteen (15) days in addition to the fine of 100 pesos per violation.
2. Operator – The penalty and fine for allowing their motor tricycles to operate without the corresponding requirements of the plate number, body number and permit to operate as required by law shall be meted the same penalties as those of the drivers. In addition, the seized motor tricycle shall be impounded until such time that the fines, penalties and the other requirements shall have been complied with. An impounding fee of 100 pesos shall be collected from the operator before the impounded tricycle shall be released.

Section 6. Authority to Arrest Violators and Seize and Impound Erring Motor Tricycle – The authority to arrest erring drivers and operators and impound motor tricycles that have not complied with the requirements of registration, body number and color and permit to operate shall be vested in the Bus Terminal and Traffic Management Office (BTTMO) of the city of Baybay. This office shall deputize its traffic enforcers in carrying out this authority, which must be signed and approved by the city mayor.

In the conduct of its duties as granted in this authority, the BTTMO shall likewise adopt the Traffic Enforcement System enforced by the Land Transportation Office as prescribed in Resolution No. 141, Series of 2010 of the City of Baybay.

Section 7. Repealing and Separability Clauses – This Ordinance supersedes any other city of Baybay ordinance of this nature. Should any part of this Ordinance be deemed illegal, this does not affect the legality of the other parts.

Section 8. Effectivity Clause – This Ordinance takes effect after its publication and approval.

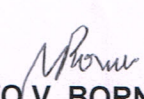
ENACTED, June 29, 2015.

I HEREBY CERTIFY to the correctness of the foregoing resolution which was duly adopted by the Sangguniang Panlungsod during its regular session held on June 29, 2015.

ATTESTED AND CERTIFIED
TO BE DULY ADOPTED:

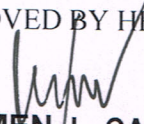


CRISTELO S. LORETO
SP Member & Acting Presiding Officer



AMELITO V. BORNEO
SP Secretary

APPROVED BY HER HONOR:



CARMEN L. CARI
City Mayor