

Republic of the Philippines
Province of Leyte
MUNICIPALITY OF BAYBAY
-00000-

MINUTES OF THE 26TH REGULAR SESSION OF THE SANGGUNIANG BAYAN
OF BAYBAY, LEYTE, HELD IN THE SESSION HALL ON JUNE 29, 1999.

PRESENT:

HON. FLORANTE M. CAYUNDA	Municipal Vice Mayor & Presiding Officer
HON. VICENTE G. VELOSO	Sangguniang Bayan Member
HON. DEOGRACIAS E. PERNITEZ	-do-
HON. JUANITO B. MODINA	-do-
HON. EDUARDO A. GUINOCOR	-do-
HON. LORETA G. MALABANAN	-do-
HON. EDGARDO R. OMPOY	-do-
HON. JOSE C. GO	-do-
HON. REX A. RETANA	-do-
HON. DONALD P. PERNITEZ	-do-

ABSENT:

HON. VIRGINIA L. DUMAGUING	SB Member, OB, Cebu
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The Hon. Presiding Officer called the meeting to order at exactly 9:32 a.m. The Secretary called the roll and announced that there was a quorum. The SB prayer was led by the Honorable SB Member Eduardo A. Guinocor and the singing of the national anthem was led by the SB stenographer. The recitation of the P.L. Creed was led by the Honorable SB Member Donald P. Pernitez.

Hon. Deogracias E. Pernitez moved, for the approval of the 1st and 2nd special sessions held on June 21 and June 25 and the 22nd and 26th regular sessions and duly adopted of the body.

MUNICIPAL ORDINANCE NO. 002- S. 1999

"AN ORDINANCE PRESCRIBING GUIDELINES IN THE FRANCHISING AND OPERATION OF TRICYCLES-FOR-HIRE WITHIN THE MUNICIPALITY OF BAYBAY AND IMPOSING PENALTIES FOR VIOLATIONS THEREOF"

INTRODUCED & SPONSORED BY: D. E. FERNITEZ, E.R. OMPOY & J.C. GO

WHEREAS, Memorandum Circular No. 94-199 and Aide-Memoire dated 28 February 1993 of DOTC set guidelines to implement the devolution of LTFRB's franchising authority over tricycles-for-hire to local government units pursuant to R.A. 7160;

WHEREAS, the registration of motorized tricycles is still vested with the Land Transportation Office (LTO) under R.A. 4136 otherwise known as the "Land Transportation and Traffic Code";

WHEREAS, in lieu of the Land Transportation Franchising and Regulatory Board (LTFRB) in the DOTC, the Sangguniang Bayan is given the power to perform the followings pursuant to the implementing guidelines set by the Department of Transportation and Communication (DOTC):

1. Issue, amend, revise, renew, suspend, or cancel **MOTORIZED TRICYCLE OPERATOR'S PERMIT (MTOF)** and prescribe the appropriate terms and conditions therefor;
2. Determine, fix, prescribe or periodically adjust fare or rates for the service provided in a zone after public hearing;
3. Fix, impose and collect, and periodically review adjust but not oftener than once every three (3) years, reasonable fees and other related charges in the regulation for tricycles-for-hire;
4. Establish and prescribe the conditions and qualifications of service.

NOW, THEREFORE, pursuant to Section 447 of R.A. 7160 be it enacted an "ORDINANCE PRESCRIBING GUIDELINES IN THE FRANCHISING AND OPERATION OF TRICYCLES-FOR-HIRE WITHIN THE MUNICIPALITY OF BAYBAY AND IMPOSING PENALTY FOR VIOLATIONS THEREOF"

Section 1. - This ordinance is entitled an ordinance prescribing guidelines in the franchising and operation of tricycles-for-hire within the Municipality of Baybay and imposing penalty for violations thereof

Section 2.- Scope of the Ordinance - This ordinance embraces the franchising regulations and operations of Tricycles-for-hire in the Municipality of Baybay and imposing penalty for violations pursuant to Memorandum Circular No. 94-199 of the Land Transportation Office and R.A. 7160.

Section 3. - Words and Phrases Defined -

- a. "Tricycles-for-hire" is a motor vehicle composed of a motorcycle fitted with a single-wheeled side car or a motorcycle with a two-wheeled cab operated to render services to the general public for a fee
- b. "Motorize Tricycle Operator's Permit" or MTOP is the document granting franchise or license to operate issued to a person, natural, juridical, allowing him/it to operate tricycle-for-hire over areas specified therein
- c. "Area" is the designated place of tricycle-for-hire operation within the municipality of Baybay per MTOP issued

Section 4. - Rules of Entry - Only Filipino citizens, and partnership or corporations with 60% Filipino equity, are qualified to be operators of tricycle-for-hire. However, no MTOP shall be granted unless the applicant is in possession of units with valid registration papers from Land Transportation Office (LTO).

A grantee of MTOP must carry a common carriers' insurance sufficient to answer for any liability it may incur to passengers and third parties in case of accidents.

Section 5. - Jurisdictional Area of Operation in the granting of the MTOP.

- a. Area I - All routes within the coverage of the poblacion (Zone I-Zone 23) including Brgy. Sto. Rosario without fixed origin and destination.
- b. Area II - All incoming and outgoing routes to and from the designated terminal in the poblacion and the following barangay of Guadalupe, VISCA

interior Patag, Gabas,(interior) Kihim,(interior) Candadam (lower portion)

c. Area 111 - All incoming and outgoing routes to and from the designated terminal in the poblacion and the following barangays of Gacat, San Isidro, Candadam (upper portion), Maganham, Hibunawan, Can-ipa and Igang.

d. Area IV- All incoming and outgoing routes to and from the designated terminal of the poblacion and the following barangays of Pomponan, Hipsungo and Bubon.

e. Area V - All incoming and outgoing routes to and from the designated terminal of the poblacion and the following barangays of Makinhas, Ciabu.

Section 6 - Operating Conditions.- Aside from the conditons imposed on Sec. 4 herein, the following are the operating terms and condition imposed on the operators:

a. For safety reasons, no tricycle should operate on national highways utilized by 4-wheel vehicles greater than 4 tons and where normal speed exceed 40 kph. However, the Sangguniang Bayan of Baybay is temporarily giving exemption for the reasons that there is no other alternative route in going to and from the Poblacion of Baybay and the barangays enumerated in Section 5 of this ordinance as per implementing guidelines of the LTO.

b. No tricycle-for-hire shall operate outside of the jurisdictional area as provided for in the MTOP.

c. Each unit shall be assigned and bear an identification number, aside from its LTO license plate number, to be placed in front and rear of the tricycle.

d. An operator wishing to stop service completely, or to suspend service for more than a month, should report in writing such termination or suspension to

the Sangguniang Bayan which originally granted the MTOP. Transfer to another area may be permitted upon application.

e. The MTOP shall be valid for two years renewable for the same period. Transfer to another area, change of ownership or unit, or shall be construed as an amendment to an MTOP and shall require approval of of the Sangguniang Bayan.

f. Operators shall employ only drivers duly licensed by LTO for tricycles-for-hire

g. No tricycle-for-hire should be allowed to carry more passenger and/or goods than it is designed for as determined by the Mayor's Office.

h. A tricycle-for-hire shall be allowed to operate like a taxi service, i.e. service is rendered upon demand and without a fixed route within an area.

Section 7. - Franchise and other Fees - the following fees shall be imposed and collected by the Municipal Treasurer's Office:

A.-Upon application of New Franchise

1) Filing Fee	P150.00
2) Legal research fund	20.00
3) Supervision Fee	40.00
4) Mayor's Permit	<u>100.00</u>
	P310.00

B For the 2nd year:

1. Confirmation fee	P30.00
2. Legal reserch fund	20.00
3. Supervision	40.00
4. Mayor's Permit	100.00

Section 8.- FARES - The following are the regular fare rate from the poblacion to the following barangays and vice-versa:

Guadalupe (interior)	P 6.00
Patag (proper)	6.00
Candadam	3.00
Gacat	4.00
San Isidro	3.00
Hibunawan	3.00
Maganhan	4.00
Can-ipa	3.00
Pomponan.....	6.00
Hipusngo (vecinal)	3.00
Bubon	4.00
Within poblacion including Sto Rosario	2.00

Section 9 - Penal Provisions without prejudice to criminal liability:

A. Administrative fines for violations of the following:

1. Driving tricycles for hire without appropriate
drivers license P 750.00
2. Driving while under the influence of
liquor prohibited drugs..... P2,000.00 + 1 year
suspension
3. For second offense, 5 months suspension
in addition to the fine subsequent violations
shall cause the revocation of drivers license.....P2,000.00
4. Operating unregistered tricycle-for-hire with LTO....P 450.00
5. Operating tricycle-for-hire outside of its area of jurisdiction
as cited in the MTOB except during emergencies from
7:am- 4:00 p.m.P100.00
6. Overloading P100.00/
overload passenger
7. Failure to place the identification number in front and rear of the

tricycle aside from the LTO license plate number P100.00

8. Failure for tricycles to have front and rear reflectors..... P100.00.

9. Refusal of driver to carry passenger to their destination.. P 100.00.

Section 10. The Mayor is given the authority to suspend the permits of any violators for safety reasons anytime:

Section 11.-Repealing Clause.- All ordinance inconsistent with this ordinance is hereby amended or repealed.

Section 12.Effectivity Clause - This Ordinance shall take effect 30 days after the approval by the Provincial Board.

APPROVED, June 29, 1999.

RESOLUTION NO. 211

A RESOLUTION OF SUPPORT TO HONORABLE GOVERNOR REMEDIOS "MATIN" L. PETILLA, PROVINCIAL GOVERNOR OF LEYTE, BY THE UNDERSIGNED (MAYOR, VICE MAYOR AND SANGGUNIANG BAYAN MEMBERS) OF BAYBAY, LEYTE.

WHEREAS, the undersigned Mayor Jose Carlos L. Cari, Vice Mayor Florante M. Cayunda and SB Members, Vicente G. Veloso, Deogracias E. Pernitez, Juanito B. Modina, Eduardo A. Guinocor, Loreta G. Malabanan, Edgardo R. Ompoy, Jose C. Go, Rex A. Retana and Donald P. Pernitez, pursuant to our duties, powers and obligations conferred us by the Local Government Code or RA 7160;

WHEREAS, we have effectively and efficiently carried out our powers, duties and obligations due to the close harmony, coordination and support by the

ATTESTED:

FLORANTE M. CAYUNDA
Municipal Vice Mayor &
Presiding Officer

DEOGRACIAS E. PERNITEZ
SB Member

EDUARDO A. GUINOCOR
SB Member

EDGARDY R. OMPOY
SB Member

RENA RETANA
SB Member

VICENTE G. VELOSO
SB Member

JUANITO B. MODINA
SB Member

LORETA G. MALABANAN
SB Member

JOSE C. GO
SB Member

DONALD P. PERNITEZ
SB Member