



OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE 41ST REGULAR SESSION OF THE 2019 - 2020 SANGGUNIANG BAYAN OF LOOC, PROVINCE OF ROMBLON HELD AT MUNICIPAL SESSION HALL ON JULY 14, 2020.

PRESENT:

HON. DIANSON R. TAYTAY.....	Municipal Vice Mayor/ Presiding Officer
HON. PERIANO R. BERNARDO.....	SB Member
HON. ISMAEL S. OSORIO, JR.....	SB Member
HON. BENROL M. PALACIO.....	SB Member
HON. TEODULO G. TIROL, JR.....	SB Member
HON. JOHNNY M. AGUIRRE.....	SB Member
HON. HERMIE G. LACHICA.....	SB Member
HON. MICHAEL P. FRANCISCO.....	SB Member
HON. ROLANDO F. BAUTISTA.....	SB Member
HON. JOSEFINA G. MORTEL.....	LnB President
HON. ANGELIC F. CONDES.....	SK Federation President

ABSENT:

NONE

RESOLUTION NO. 104 - 2020

A RESOLUTION AMENDING SOME PARTS/PHRASES OF RESOLUTION NO. 046 - 2002 - EMBODYING MUNICIPAL ORDINANCE NO. 01 - 2002 APPROVED OCTOBER 4, 2002 - AMENDING SOME SECTION AND ARTICLE PARTICULARLY SECTION 3 OF ARTICLE 8 BY INCREASING THE FINES OF THE OFFENSES/OFFENDERS OF THIS ORDINANCE

Sponsor: Hon. Rolando F. Bautista

Co-sponsors: Hon. Periano R. Bernardo, Hon. Benrol M. Palacio, Hon. Teodulo G. Tirol, Jr., Hon. Johnny M. Aguirre, Hon. Hermie G. Lachica, Hon. Michael P. Francisco, Hon. Josefina G. Mortel - Lnb President, and Hon. Angelic F. Condes - SK Federation President

The First "Whereas" of the Resolution No. 046 - 2002 is hereby amended by rephrasing and changing of the words being used and will read as;

WHEREAS, regulation of transportation is necessary particularly for the operation of Motorized Tricycle to avoid chaotic and to put it an orderly manner;

The Second "Whereas" is hereby rephrased/amended and will read as:

WHEREAS, in order to regulate and maintain the operation of Tricycle smoothly there is a need to provide guidelines/provisions for drivers and operators within the Municipality.

WHEREFORE premises considered -

RESOLVED as it is hereby **Resolved** to amend some parts/phrases of Resolution No. 046-2002 - Embodying Municipal Ordinance No. 01-2002 approved October 4, 2002 Amending some section and article particularly section 3 increasing the fines of the offenses/offenders of this Ordinance.

MUNICIPAL ORDINANCE NO. 087 - 2020

AN ORDINANCE AMENDING SOME SECTION AND ARTICLE PARTICULARLY SECTION 3 OF ARTICLE 8 BY INCREASING THE FINES OF THE OFFENSES/OFFENDERS OF THIS ORDINANCE ENTITLED: AN ORDINANCE PRESCRIBING THE GUIDELINES FOR THE ISSUANCE OF MOTORIZED TRICYCLE OPERATORS PERMIT (MTO) IN THE MUNICIPALITY OF LOOC

WHEREAS, Sangguniang Bayan of Looc, Romblon 2001 - 2004 passed and approved Municipal Ordinance No. 01 - 2002 Prescribing the guidelines for the issuance of Motorized Tricycle Operators Permit (MTO) in the Municipality of Looc;

WHEREAS, Section 3 of Article 8 fines for offenses/offenders of this Ordinance is no longer practical and logical due to inflation rate of our peso currency for it has been approved and implemented for almost two decade;

WHEREAS, it is high time and timely to amend the said Ordinance in accordance with our prevailing economic situation, considering the amount imposed therein is already obsolete.

WHEREFORE premises considered -

RESOLVED as it is hereby **Resolved** to amend some sections and articles particularly Section 3 by increasing the fines of the offenses/offender of this Ordinance.

Be it ordained and decreed by the Sangguniang Bayan of Looc, Romblon in session assembled that:

Municipal Ordinance No. 01-2002 some section and articles must be amended particularly Section 3 of Article 8 by increasing the fines of the offenses/offenders.

ARTICLE I - TITLE

SECTION 1 - DEFINITIONS

1. **"Franchise"** refers to a special privilege conferred by the municipal government to an individual or corporation which does not belong to the citizens by common rights. It is in the nature of a private contract between the municipal government and the grantee which cannot be amended by implication.
2. **"Motorized Tricycle"** is a vehicle composed of a motorcycle fitted with a single-wheel side car operated to render transport services to the general public for-a-fee.
3. **"Motorized Tricycle Operator's Permit (MTO)"** is a document granting franchise or License to a person natural or juridical, allowing the operation of motorized tricycle for hire over specified zones;

4. "Zones" is a contiguous land area or block, say a subdivision or a barangay, where tricycle for hire may operate without a fixed origin and destination.

ARTICLE III

THE MUNICIPAL TRICYCLE FRANCHISING AND REGULATORY BOARD (MTRFB) COMPOSITIONS AND FUNCTIONS.

SECTION 1 - for purposes of this Ordinance, a Municipal Tricycle Franchising and Regulatory Board (MTRFB) is hereby created and shall be composed of the following:

- | | |
|--|---------------------|
| 1. Municipal Vice-Mayor | - Chairman |
| 2. Chairman of the Committee on Transportation and Communication | - Vice-Chairman |
| 3. Municipal Engineer | - Member |
| 4. Mun. Planning of Development Coordinator | - Member |
| 5. President, Tricycle Operators and drivers Association, if any | - Member |
| 7. President, Liga ng mga Barangay | - Member |
| 8. Chief of Police, PNP | - Member |
| 9. Secretary to the Sangguniang Bayan | - Head, Secretariat |

SECTION 2 - the MTRFB shall perform the following powers, duties and functions.

2.1 Issue, renew, amend, suspend or cancel the MTOP and prescribe the appropriate terms and conditions thereof.

2.2 Determine, fix and/or prescribe and adjust fares or fees relative to the services provided in this ordinance after public hearing and upon approval of the Municipal Council.

2.3 Establish and prescribe the conditions and quality of service of tricycle for hire in the municipality of Looc.

2.4 Recommend changes in the routes of tricycles for hire for purposes of easing congestion through resolutions approved by a majority of the members of the Municipal Council.

2.5 Determine and set the maximum number of franchises to be issued for any particular period through a resolution approved by majority of the members of the Municipal Council.

2.6 Performs such other powers and functions as necessary and incidental to the effective and efficient implementation of this ordinance.

ARTICLE IV – ZONES

SECTION 1 – That for purposes of franchising the following zones are hereby declared:

1. Zone I : Pili-Limon Sur – Limon Norte route
Color Code: Yellow
2. Zone II : Punta – Tuguis – Guinhaya-an – Manhac route
Color Code: Red
3. Zone III: Camandag – Balatucan – Buenavista route
Color Code: Blue
4. Zone IV: Poblacion up to the following limits:

- a. Pili Crossing
 - b. Punta (INC Church)
 - c. Carolina (Velco)
 - d. Lunas Bridge
- Color Code: Green

ARTICLE V - RULES OF ENTRY

SECTION 1 - All operators must be lawful owners of tricycle and shall first acquire the MTOP in addition to a Mayor's Permit.

SECTION 2 - The MTOP shall be granted only to bona fide residents of the municipality of Looc.

SECTION 3 - The MTOP shall be valid only for a period of one (1) year but may be renewed annually, provided that the MTOP holder has not committed any violation that may be ground for cancellation of such franchise.

SECTION 4 - To inquire a MTOP for the first time under this ordinance, a tricycle operator must file in duplicate an application with the MTFRB, the application form shall be provided at the Secretary's Office free of charge.

SECTION 5 - Together with the application, the applicant shall attach and make part of his initial application the following documents:

- 5.1 Police Clearance
- 5.2 2X2 picture
- 5.3 Voter's Registration
- 5.4 Official Receipts of prescribed fees as mandated in Article VI, Sec.1
- 5.5 Proof of ownership of the tricycle
- 5.6 Recommendation/Endorsement from the tricycle operators/drivers Association recognized by the LGU.
- 5.7 Others that may be prescribed by the MTFRB from time to time as the need arises.

SECTION 6 - For the renewal of the franchise, an operator shall only attach the following documents:

- 6.1 Police Clearance
- 6.2 Official Receipt of MTOP fee of P100.00
- 6.3 Certification from the tricycle operators/drivers association that the applicant is a bona fide member hereof wherein recognized by the LGU.
- 6.4 Mayor's Permit and Official Receipt.
- 6.5 LTO Certificate of Registration and official receipts.

ARTICLE VI - FEES

SECTION 1 - The applicant for MTOP, or franchise to operate a tricycle for hire must pay to the Municipal Treasurer of Looc the following prescribed fees:

- 1.1 Initial filing
 - a. MTOP - P 200.00
 - b. Mayor's Permit - 200.00
 - c. Mun. Tax for Gross

Receipts/Income	-	<u>100.00</u>
Total	-	P 500.00
1.2 Subsequent Renewal		
a. MTOP	-	P 100.00
b. Mayor's Permit	-	70.00
c. Mun. Tax for Gross		
Receipts/Income	-	<u>300.00</u>
Total		P 470.00
1.3 Other Valid transaction such as change of name, route, etc.	-	P 50.00

Note: All fees mentioned above herein are subject for an adjustment.

SECTION 2 - Petition for fare increase must be signed by majority of the total franchise holders within the respective zone.

SECTION 3 - Any amount to be collected under this Ordinance shall accrue to the General Fund of the municipality.

ARTICLE VII - OPERATING CONDITION

SECTION 1 - No holder of an MTOP shall operate outside the zone for which the MTOP is specifically granted as provided in Article IV, Section 1.

SECTION 2 - Operators of tricycle for hire shall employ only drivers duly licensed by the Land Transportation Office (LTO)

SECTION 3 - No tricycle shall be operated/driven in violation of national laws.

SECTION 4 - Upon the issuance of franchise, the tricycle must be registered as for "HIRE" at the Land Transportation Office (LTO) wherein the unit is registered.

SECTION 5 - A franchise to operate a tricycle for hire or MTOP shall be non-transferable.

SECTION 6 - The renewal of MTOP or Franchise to operate tricycle for hire must be done on or before the date that it was granted, failure herein in a fine of P75.00 will be charged for late payment provided that a Mayor's Permit had been paid for the year.

SECTION 7 - Tricycle owners shall be required to prominently display their control numbers at the front of their tricycle for easier identification. In addition to this, they are also required to post and to display a photocopy of the certificate of registration of the motor vehicle inside the sidecar.

SECTION 8 - All drivers of tricycle for hire are hereby required to wear shoes, polo shirt or T-shirt with color and long pants.

ARTICLE VIII - PENAL PROVISION

SECTION 1 - The grounds for revocation of franchise to operate are the following:

1.1 Operating a tricycle for hire without a Mayor's Permit

- 1.2 Commission of falsehood or making untruthful statement in the Applicants Application or petition or any document submitted to the MTFRB.
- 1.3 Failure to register the tricycle with the LTO as provided in Article VII, Section 4 of this ordinance.
- 1.4 Operating a tricycle in violation of the operating conditions as mandated in Article VII of this ordinance.
- 1.5 Use of tricycle in any criminal/illegal activity involving driver/operator.

SECTION 2 - The following are the grounds for penalty of violator:

- 2.1 Failure to pay the prescribed fees within the time prescribed under this ordinance.
- 2.2 Operating the tricycle under the influence of liquor and/or prohibited drugs.
- 2.3 Grossly abusive conduct of the tricycle drivers against his passenger.
- 2.4 Over-charging of fare.
- 2.5 Deliberate and unjustified refusal of the tricycle driver against his passenger.
- 2.6 Commission of a crime by the tricycle driver, who is not the operator, against his passenger.
- 2.7 Non-compliance with requirements of tricycle road worthiness as determined by the MTFRB.
- 2.8 Reckless driving.
- 2.9 Operation beyond prescribed zone.

SECTION 3. The fines for any offenses shall as follows:

- 3.1 **First Offense** - a fine amounting of One Hundred Pesos (₱100.00) to Three Hundred Pesos (₱300.00)
- 3.2 **Second Offense** - a fine amounting of Four Hundred Pesos (₱400.00) to Six Hundred Pesos (₱600.00)
- 3.3 **Third Offense** - a fine amounting of Seven Hundred Pesos (₱700.00) to One Thousand Pesos (₱1,000.00)

This Section 3 shall be amended by increasing the fines of the offenses/offenders as follows:

1. **First Offense** - a fine amounting of One Thousand Pesos (₱1,000.00)
2. **Second Offense** - a fine amounting of One Thousand Five Hundred Pesos (₱1,500.00)
3. **Third Offense** - a fine of Two Thousand Pesos (₱2,000.00)

Provided, however, that in case the violator has committed the same particular offense for three times, the penalty shall be the revocation of the MTOP, regardless of whether the violator is a driver or operator.

SECTION 4 - the decision of the MTFRB on matters involving the revocation of franchise is appealable to the Board of Appeals within 10 days from receipt of the copy of the decision of the MTFRB. The decision on appeal shall be final and executory and shall be rendered within 15 days from receipt of the appeal.

SECTION 5. - The Board of Appeals shall be composed of the Municipal Mayor as chairman and four (4) members of the accredited NGO's whose appointment shall be approved by the Municipal Council for a term of three years.

ARTICLE IX – TRANSITORY PROVISIONS

ARTICLE 1 - All ordinances, resolutions, rules and regulations or parts thereof whose provisions are conflict with, or contrary to the provisions of this ordinance, are hereby repealed or modified accordingly.

ARTICLE X

Separability Clause - if upon review of the Sangguniang Panlalawigan and some parts/sections and articles is found to be inconsistent, unconditional, the rest unaffected thereto, shall remain to be enforced.

ARTICLE XI

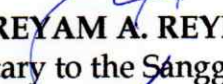
Repealing Clause - Municipal Ordinance No. 01 - 2002 specifically Section 3 are hereby modified and repealed accordingly.

ARTICLE XII


Effectivity Clause - This amendment of Resolution No. 046 - 2002 Embodying Municipal Ordinance No. 01 - 2002 shall take effect after review by the Sangguniang Panlalawigan and posting for at least three (3) conspicuous places.

Approved: 14 July 2020/42nd Regular Session.


CERTIFIED to the correctness of the aforesaid Resolution and Ordinance.


REYAM A. REYES
Secretary to the Sanggunian

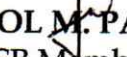
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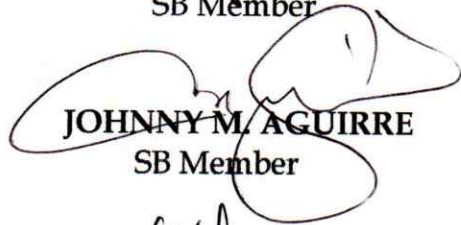

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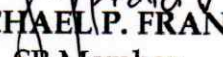
Concurred:



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SB Member


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SB Member



BENROL M. PALACIO
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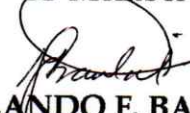

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SK Federation President

APPROVED:


ATTY. LISETTE M. ARBOLEDA
Municipal Mayor

