

Republic of the Philippines
PROVINCE OF NEGROS ORIENTAL
City of Bayawan
Office of the Sangguniang Panlungsod

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION HELD BY THE CITY COUNCIL OF BAYAWAN, NEGROS ORIENTAL ON JANUARY 12, 2016 AT 2:00 PM AT THE SP SESSION HALL.

RECORD OF ATTENDANCE

HON. MARK FIDENCIO L. AURELIA	(Presiding, Vice Mayor)	Present
HON. PETER PAUL F. RENACIA		Present
HON. MARK ANTHONY A. DUQUE		Present
HON. LUIS J. SUMALPONG		Present
HON. ERNESTO T. TIJING		Present
HON. SHARLOU F. JAMIN		Present
HON. DANILO G. LAMIS		Present
HON. JONAS M. TRIAS		Present
HON. ALEX D. TIZON		Present
HON. HENRY E. CARREON, JR.		On Leave
HON. NARCISO N. CASIPONG	(LNMB Vice President)	Present

RESOLUTION NO. 60

“Presented for Third and Final Reading of “An Ordinance Regulating the Operation of Pot-Pot For- Hire Within the City of Bayawan, Negros Oriental.”

“On motion of Honorable Vice Mayor Mark Fidencio L. Aurelia and duly seconded by Honorable Councilor Jonas Trias, the Council

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

ORDINANCE NO. 1

**AN ORDINANCE REGULATING THE OPERATION OF
POT-POT FOR HIRE WITHIN THE CITY OF BAYAWAN,
NEGROS ORIENTAL.**

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

Section I. Definitions

- a. Pot Pot– is public conveyance composed of a bicycle or an E-bike powered by a battery fitted with a single wheeled sidecar or a two-wheeled cab operated to render transport services to the general public for a fee.
- b. Fares – an amount or cash due to the driver as compensation of a contract of transport services rendered by the driver to a passenger and/or latter’s goods/cargoes.
- c. POP – Pot Pot Operators Permit
- d. PDP - Pot Pot Drivers Permit

Section II.

- a. Pot Pot Drivers – No person shall be qualified to be a driver unless he presents the following document:
 1. Drivers Permit
 2. Must not less than 18 years old not more than 65 years old.

Section III.

- a. No person shall be qualified to be an operator of a Pot Pot – for- hire unless he is a Filipino citizen or if existing as a partnership organization or corporation duly recognized in accordance with existing laws, 60% equity to be Filipino owned.
- b. No person shall be allowed to operate more than five (5) units of Pot Pot for hire;
- c. 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;
- d. Numbering of Pot Pot-for-hire shall be in accordance with the prescribed color, size and design as follows:
 - Eight and one-half (8 1/2) inches by eleven and one-half (11 1/2) inches in size with dark green background and numbers printed with reflectorized white paint.
- e. Quotations promoting good morals as provided by the Character First Program must be displayed in front of the passengers' seat and at the rear portion of the Pot Pot.
- f. Maintain garbage receptacle inside the Pot Pot in order to encourage the passengers to jointly implement the City Solid Waste Management, Character First, and Healthy City Programs.

Section IV.

- a. Pot Pot Operators Permit (POP) - no person shall be allowed to operate a Pot Pot for-hire unless he/she is issued a Pot Pot Operators Permit by the City Mayor. The renewal will star June 1st to June 30 every year with number issuance on first come first serve basis which will be provided and controlled by the Public Safety Office which same document shall be carried by the driver at all times performing transport services.
- b. No person shall be allowed to operate a Pot Pot for-hire unless he/she has undergone character training seminar from the City Character First Office which same document shall be carried by the driver at all times while performing public transport services.
- c. No Pot Pot for-hire shall be allowed to utilize the National Highway as their routes in carrying cargoes or passengers except to cross thereon.

Section V. Pot Pot for-Hire Carriage of Passengers. No driver shall be allowed to carry more than 2 adult passengers and not more than 50 kilos cargo.

Section VI. Boarding and alighting of Passengers. Excepts for specific instances and instances where the laws prohibits, drivers of Pot Pot for-hire may allow passengers to board or alight without causing nuisance to the traffic and or pedestrians at that given time.

Section VII. Fares

- a. Pot Pot for-hire. Unless otherwise determined by the Sangguniang Panlungsod or voluntarily agreed upon by both parties, the official fare structure shall be a minimum fee of P 6.00 per adult passenger and P5.00 for children in the elementary grades within the Five urban barangays namely, Suba, Boyco, Tinago, Poblacion and Ubos and an additional of P1.00 /kilometer outside the foregoing Five urban barangays.
- b. Fares for goods and cargoes shall be agreed between the driver and the owner thereof, provided, that in case of disagreement the fares structures commonly agreed or prevailing in the locality.

Section VIII. 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, excepts when the passenger is going to the hospital for emergency treatment, 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 replaced in front of the cab.

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

- a. Schools - between 7:30 am - 4:30 pm especially during flag ceremonies.
- e. Hospitals - at all times
- f. Churches - those with existing signs
- g. City Quadrangle - at all times
- h. Other places where silence is required/observed as manifested by signs.

Section X. Driving Prohibitions

1. No driver shall be allowed to drive Pot Pot 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/or any substance that deprives his sensory capability to exercise extra ordinary diligence required by law while driving.
- e. Sick/ailing
- f. Contaminated or carrying communicable or incurable disease.
- g. Without Pot Pot Driver Permit (PDP)
- h. Without a valid ID issued by the LGU.
- i. Wearing of Sando, short pants, and slippers.
- j. Engaging a conversation to the passenger while Pot Pot is on motion.
- k. The unit is not roadworthy.

Section XI. Penalties. Drivers and/or operators violating any of the provisions, herein outlined, shall be subjected to the following penalties:

- 1. First Offense - automatic fine of P25.00
- 2. Second Offense - automatic fine of P50.00 plus suspension of POP for a period of 3 days.
- 3. Third Offense - fine of P100.00 and a suspension of POP for a period of 10 days.
- 4. Fourth Offense - fine of P200.00 and a suspension of POP for a period of 15 days
- 5. Fifth Offense - fine of P400.00 and a suspension of POP for a period of 15 days
- 6. Sixth Offense - cancellation of POP.

Provided further, that operators with cancelled POP's under this Section shall not be allowed to re-apply for a new privilege.

Section XII. Repealing /Clause. Existing laws, rules and regulations or parts thereof, inconsistent herewith are hereby repealed or modified accordingly.

Section XIII. Effectivity. This ordinance shall take effect after compliance with the provision of the R.A. 7160, the Local Government Code of 1991.

"Enacted."

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I hereby certify to the correctness of the foregoing resolution.

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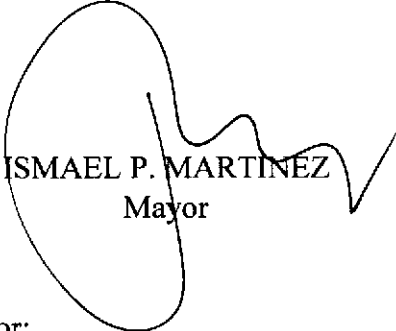
JULIUS T. ESPARTERO
Secretary to the Sangguniang Panlungsod

ATTESTED:



MARK FIDENCIO L. AURELIA
Vice Mayor
Presiding Officer

APPROVED: MAR 01 2016



ISMAEL P. MARTINEZ
Mayor

Copy for:

- The Honorable Provincial Board, Dumaguete City