

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 19, 2016 AT 2:00 PM AT THE SP SESSION HALL.

RECORD OF ATTENDANCE

HON. MARK FIDENCIO L. AURELIA	(Presiding Officer)	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.		Present
HON. NARCISO N. CASIPONG	(LNMB Vice President)	On-Leave

RESOLUTION NO. 65

“WHEREAS, franchising of three vehicle (TWV) is under the jurisdiction and authority of the any Local Government Units as provided for, under the Local Government Code of 1991 (IRA 7160);

“WHEREAS, it cannot be denied that there are lots of three wheeled vehicles (TWV) now roaming around the municipal streets, barangay roads, provincial roads and even along the national highway in the Bayawan for fee that needs to be regulated;

“WHEREAS, the Bayawan has received guidelines from the Department of Transportation and Communication (DOTC) as embodied under Memorandum Circular No. AHS-2008-1008 dated August 11, 2008;

“WHEREAS, there is an urgent need to enact an ordinance to give meaning and substance to the provisions of the said Memorandum Circular regarding the Guidelines in the Operation of the Three Wheeled Vehicles (TWV) in the City;

WHEREFORE, in view of the importance and urgency of this issue, the City Council of Bayawan, Negros Oriental in session, and on motion of Honorable Councilor Jamin and duly seconded by Honorable Councilor Sumalpong, the Council

RESOLVED, to enact, as it hereby enacts the following ordinance, to wit;

ORDINANCE NO. 2

AN ORDINANCE ADOPTING AND IMPLEMENTING THE PROVISION OF THE LOCAL GOVERNMENT CODE OF 1991 (RA 7160), GRANTING FRANCHISE AND REGULATION THE OPERATION OF THREE WHEELED VEHICLE FOR HIRE WITHIN THE TERRITORIAL JURISDICTION OF BAYAWAN CITY, NEGROS ORIENTAL AND PROVIDING FOR THE PROCEDURE AND COLLECTION OF THE NECESSARY FEES AND PENALTIES THEREFOR.

Be it hereby ordained by the Sangguniang Panlungsod of Bayawan session, that:

SECTION 1. Title of the Ordinance. There shall be known as 2015 Electric Power Operated (TWV) hire ordinance of Bayawan City.

SECTION 2. Scope of the Ordinance. This ordinance shall regulate the operation of Electric Power Operated TWV.

SECTION 3. Definition of Terms.

- a.) Electric Power Driven Three Wheeled Vehicle – is a motor vehicle with three wheels symmetrically arrange in relation to the longitudinal medium plane and with an engine cylinder capacity.
- b.) Provincial Road – are roads owned and maintained by the provincial government.
- h.) Municipal Roads – these are roads within the Poblacion, roads that connect to provincial and national roads, and roads that provide inter barangay connection.
- i.) MTOP – Motorized Tricycle Operators Permit is the document granting franchise or license to operate, issued to a person natural or juridical allowing him to operate, three- wheeled vehicle for hire, Electric Power Drive Vehicles for hire within the municipality or zone prescribed by the Sangguniang Panglungsod.
- j.) FEES – shall include but not limited to franchise fee, filling fee, fare adjustment, amendments fee and such other fees as the Sangguniang Panglungsod may impose.
- k.) Zone – is a contiguous land area or block, e.g. a subdivision barangay where three wheeled vehicle and E-Bike may operate in the zone specified therein.
- l.) Driver- an individual or person duly license to drive with a valid professional driver's license.

SECTION 4. Operation of Electric Power Driven Three Wheeled Vehicle. all electric power driven three wheeled vehicles may now operate in the City of Bayawan and has to comply the following:

- a. The unit must registered from the Land Transportation Office (LTO);
- b. The registration must be for hire;
- c. The driver must have a Professional Driver's License;
- d. The electric power driven three wheeled vehicle must have complete accessories;

- 1. head light
- 2. tail light
- 3. signal light
- 4. stop light
- 5. horn
- 6. mirror

- e. The individual applicant driver and or operator is actual resident and registered voter of Bayawan City such shall be a continued qualification requirement which shall be considered even in the renewal of applications.
- f. The drivers should wear long pants and shoes
- g. The unit must have an MTOP to be issued by the Sangguniang Panlungsod before securing the Mayor's Permit and shall pay all payments only to the authorized office, Municipal Treasurer's Office (MTOP).

SECTION 5. The franchise of the Electric Power Driven Three Wheeled Vehicle shall expire every year and shall pay the said Franchise Fee to the Office of the City Treasurer in the amount of Seven Hundred Pesos (P700.00)

SECTION 6.

- a. Franchise shall be renewed one month before its expiration, except for the Mayor's Permit which shall be renewed every first month of the year (January).
- b. There shall be an assigned MTOP number to the Electric Power Driven Three Wheeled Vehicle which has to be reflected outside of the body of the said vehicle.
- c. There has to be an assigned number for the body of the electric power driven three wheeled vehicle and on the inner portion, which shall be not less than one square foot which said number cannot be sold to anybody or cannot be assigned to any other users but rather it has to be surrendered to the LGU of Bayawan City if the said franchise holder is no longer interested to continue its operation.

SECTION 7. Route of operation. No unit of electric power driven three wheeled vehicle can operate anywhere and has a follow its route of operation that shall be provided in the franchise.

SECTION 8. Load Limit Capacity. No Electric Power Driven three wheeled vehicle can carry passengers more than the capacity based on its design on the said unit:

- a. E-tricycle – four (4) passengers
- b. E-cargo – six (6) passengers

SECTION 9. Penal Provision. Anybody found guilty of violating any of the provisions under this ordinance shall be penalized in the following manner:

- a. First Offense – reprimand
- b. Second Offense – a fine of One Hundred Pesos (P100.00)
- c. Third Offense – a fine of Two Hundred Pesos (P200.00)
- d. Fourth Offense – a fine of Three Hundred Pesos (P300.00) and the vehicle shall be impounded for not less than seven days or one week
- e. Fifth Offense – a fine of One Thousand Five Hundred Pesos (P1,500.00) or an imprisonment of the driver of not less than two months or both at the discretion of the court.

SECTION 10. Effectivity Clause . This ordinance shall take effect immediately after approved by the Sangguniang Panlungsod of Bayawan City.


“Enacted.”

I hereby certify to the correctness of the foregoing resolution.

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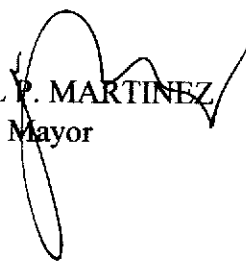

JULIUS T. ESPARTERO
Secretary to the Sangguniang Panlungsod

ATTESTED:



MARK FIDENCIO L. AURELIA
Vice Mayor
Presiding Officer

APPROVED: FEB 11 2016



ISMAEL P. MARTINEZ
Mayor

Copy for:

- The Honorable Provincial Board, Dumaguete City