



Republic of the Philippines
Province of Guimaras
Municipality of Nueva Valencia
OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN OF NUEVA VALENCIA, GUIMARAS, HELD AT THE SB SESSION HALL ON JANUARY 29, 2020:

PRESENT: Vice-Mayor Paul Vincent G. de la Cruz, Presiding Officer
Councilor Antonio D. Delumpa
Councilor Marilyn G. Edang
Councilor Willo M. Gabaton
Councilor Jason E. Javier
Councilor Susana G. Gallentes
Councilor Felix G. Nava,
Councilor Felix G. Servando
Councilor Cecilia E. Ortiz
Councilor Jun Cesar E. Galila, Liga Vice Pres./Ex-Officio Member

ON OFFICIAL
BUSINESS: Councilor Jam G. Parcon, SK Fed. Pres// Ex-Officio Member

ABSENT: NONE

MUNICIPAL ORDINANCE NO. 03
Series of 2020

Sponsor: Hon. Willo G. Gabaton

AN ORDINANCE PROVIDING FOR THE RULES, REGULATIONS AND OPERATING CONDITIONS FOR THE GRANT OF FRANCHISE FOR MOTORIZED TRICYCLE FOR HIRE IN THE MUNICIPALITY OF NUEVA VALENCIA, GUIMARAS, AND AUTHORIZING THE BUSINESS OPERATION THEREOF, REPEALING OR AMENDING ANY EXISTING ORDINANCES INCONSISTENT THERETO

WHEREAS, Section 447, (3) (vi) of the RA 7160 or the Local Government Code of 1991 authorizes the Sangguniang Bayan, subject to the guidelines prescribed by the Department of Transportation and Communications, regulate the operation of tricycles and grant franchises for the operation thereof within the territorial jurisdiction of the municipality;

WHEREAS, in order to promote public welfare through the regulation of the operation of tricycle for hire in the municipality, the Sanggunian deem it imperative to establish a tricycle operation policy that will guide the enhance its transport and traffic concerns; thus the need to enact an ordinance that will provide for the rules, regulations and operating conditions pertaining to Motorized Tricycles for Hire plying the Municipality of Nueva Valencia, Guimaras;

NOW THEREFORE, be it ordained by the Sangguniang Bayan of Nueva Valencia, Guimaras in a regular session duly assembled:

SECTION 1. TITLE. This Ordinance shall be referred to as **AN ORDINANCE PROVIDING FOR THE RULES, REGULATIONS AND OPERATING CONDITIONS FOR THE GRANT OF FRANCHISE FOR MOTORIZED TRICYCLE FOR HIRE IN THE MUNICIPALITY OF NUEVA VALENCIA, GUIMARAS, AND AUTHORIZING THE**

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BUSINESS OPERATION THEREOF, REPEALING OR AMENDING ANY EXISTING ORDINANCES INCONSISTENT THERETO.

SECTION 2. SCOPE. This Ordinance shall apply to all motorized tricycles for hire operating or plying within the territorial jurisdiction of the Municipality of Nueva Valencia, Guimaras.

SECTION 3. DEFINITION OF TERMS. For purposes of this Ordinance, the following words and/or phrases shall be construed and defined as follows:

Franchise is a privilege or power of a public concern which ought not to be exercised by a private individual at his will and pleasure but should be presumed for the public control or administration by the government directly or by public agents under such condition and regulations as the government may impose in the public interest and for public security. It is a privilege which the individual cannot exercise as a right and which depends for its lawful existence upon a grant from the government.

Motorized Tricycle for Hire shall mean any motorcycle fitted or attached with a single-wheeled side-car or any three-wheeled motorized vehicle used to convey or transport passengers at a fixed rate or fare to their places of destination.

Tricycle Driver shall refer to any person duly licensed by the Land Transportation Office (LTO) to drive and operate a motorcycle or a tricycle and who actually drives and controls a motorized tricycle while in operation in public streets and highways.

Tricycle Operator shall refer to the registered owner of a motorized tricycle as appearing in the Certificate of Registration issued by the LTO.

Tricycle Driver/Operator shall refer to the driver who takes charge of driving and operating the motorized tricycle and at the same time the registered owner of the same duly franchised by LGU Nueva Valencia.

Motorized Tricycle Operators Permit (MTOP) is the franchise document or license to operate issued by the Sangguniang Bayan in accordance with Section 447 (3) (vi) of the Local Government Code allowing and/or permitting a qualified person, either natural or juridical, to operate a tricycle transport service within the territorial limits of the Municipality of Nueva Valencia.

Tricycle Body Number is that number assigned to a motorized tricycle for hire and indicated in the franchise issued by the Sangguniang Bayan, which number is painted on the front and rear portions of the side car.

SECTION 4. ISSUANCE/GRANT OF TRICYCLE FRANCHISE/MTOP. The Sangguniang Bayan shall issue/grant franchise to operate a Motorized Tricycle for Hire and authorize the business operation thereof. The franchise is a privilege granted to qualified persons who desires to provide transport service to the general public by means of motorized tricycle for monetary consideration. Being a privilege, it can be revoked, cancelled or withdrawn unilaterally at any time upon reasonable ground

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SECTION 5. REQUIREMENTS FOR ISSUANCE OF TRICYCLE FRANCHISE/MTOP.

A. General requirements to operate a Motorized Tricycle for Hire.

1. Must be *bona fide* resident and registered voter of Nueva Valencia evidenced by Voter's ID or certification.
2. Must be in possession of a motorized tricycle unit with valid registration papers evidencing ownership issued by the Land Transportation Office (LTO) and supported by a common carrier insurance policy for the protection of passengers and third parties in case of accident.
3. The driver must be a duly licensed or in possession of a driver's license to drive a motorized tricycle issued by the LTO.
4. Must have a garage/space for parking area when the unit is not in actual operation.

All applicants who desire to operate a Motorized Tricycle for Hire shall also accomplish the following:

A. File an application and/or petition for a franchise in a form prescribed for the purpose before the Office of the Sangguniang Bayan together with all the supporting general documents, such as, but not limited to:

1. Proof of Registration/Ownership of the Unit
2. Original and photocopy of Certificate of Registration (CR) and current/updated Official Receipt issued by the Land Transportation Office (LTO).
3. Common Carrier Insurance Policy
4. Barangay Certification issued by the Punong Barangay where operator actually resides.
5. Community Tax Certificate
6. Competent ID of the applicant.

B. Pay the Franchise Fee and Body Number/ Mayor's Permit, and other applicable fees.

SECTION 6. NON - TRANSFERABILITY OF TRICYCLE FRANCHISE/MTOP. The franchise is issued on the basis of the personal character and qualification of the applicant. Hence, the franchise is non-transferable and non-negotiable.

SECTION 7. VALIDITY AND LIMIT OF TRICYCLE FRANCHISE/MTOP. The term of the franchise/MTOP is three (3) years from the date of its issuance, subject to renewal. If the operator fails to renew his MTOP on period given, he or she shall be treated as a new applicant.

The MTOP may be suspended or cancelled upon due hearing by the Sangguniang Bayan

The transfer of ownership shall be construed as an amendment to an MTOP and shall require appropriate approval of the Sangguniang Bayan.

In case of death of the MTOP HOLDER, the franchise shall automatically be cancelled. The successors of the late Franchisee may apply within 15 days if he/she is qualified and upon complying the following additional requirements, to wit:

- Death Certificate of MTOP holder
- Original MTOP issued by Sangguniang Bayan
- Marriage Contract/Birth Certification of the Applicant
- Other necessary support documents to prove relationship.

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Provided that, upon expiration of the franchise, the successor of the deceased franchisee shall be required to apply for a new franchise if he/she intends to continue with the operation of the tricycle for hire.

SECTION 8. RENEWAL OF TRICYCLE FRANCHISE/MTOP. The MTOP shall be renewed within thirty (30) days after its expiration, otherwise it shall be ground for automatic cancellation.

Failure to renew the yearly Mayor's Permit within thirty (30) days after its due date shall also be ground for automatic cancellation. The MTOP may be reconsidered for renewal upon payment of penalty in the amount of P 300.00. The SB Technical Secretariat shall process/verify compliance for renewals.

Applications for new franchise and transfer of franchise ownership shall require the approval of the Sangguniang Bayan thru the Committee on Transportation and Public Utilities.

SECTION 9. CHANGE OF MOTORCYCLE UNIT. Any change of unit shall be construed as amendment to the MTOP and shall require authorization from the Sangguniang Bayan.

SECTION 10. CANCELLATION OF TRICYCLE FRANCHISE/MTOP. Any MTOP holder or franchisee may terminate his/her franchise at any time by surrendering the MTOP to the Sangguniang Bayan. The MTOP may be cancelled under the following conditions:

1. Non-renewal of the MTOP/Mayor's Permit after 30-day grace period mentioned in Section 8 of this Ordinance;
2. Death or demise of the MTOP holder;
3. MTOP holder voluntarily surrenders his/her franchise;
4. By order of the Office of the Sangguniang Bayan on reasonable/justifiable grounds;
5. Unauthorized transfer of MTOP. In such case, the violator shall be precluded from getting a new franchise.
6. The tricycle unit is used in the commission of a crime wherein the franchise holder and/or driver is/are involved.

SECTION 12. PASSENGER FARES. Tricycle fares for passengers shall be imposed at a level that will provide the operator a reasonable economic gain and still be within the affordable limit of the riding public. All tricycle drivers and operators shall post in a conspicuous place inside the tricycle the prescribed regular fare matrix for the information and guidance of the riding public.

The Sangguniang Bayan shall, through an ordinance, fix the fare for tricycle for hire which shall be established at a level that will provide the operator a reasonable return of profit and still be affordable to the general public. Any increase or amendment to the fare rates shall likewise be made through an ordinance.

SECTION 13. OPERATING CONDITIONS. The following rules and regulations are hereby prescribed for the operation of tricycles for hire:

- a. The driver and the operator of motorized tricycles shall at all times operate and maintain a roadworthy, dependable and highly reliable tricycle unit in such a way as to insure the passengers' safe arrival to their destination. It shall as well ensure the comfort of the passengers such that the floor to roof height shall suffice.
- b. In order to establish a uniform identity for all motorized tricycles in Nueva Valencia and for security reasons, GREEN shall be adopted as a common body color.
- c. The operator shall secure Mayor's Permit and Body Number from the Business Permit and License Division. The following are the requirements:

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- Approved Franchise by the Sangguniang Bayan, including all documents appended therein;
- Payment of the fees as provided in this ordinance.
- d. No tricycle unit shall also be issued MTOP unless it is of business type model that are steady and safe to carry passengers. It shall not be allowed to carry more than five (5) passengers. The maximum passenger capacity shall be indicated inside the unit. Children 7 years old and above are required to pay the fare rate.
- e. Back riding for tricycles shall only be allowed under the following conditions:
 - 1. There should only be one (1) back rider;
 - 2. Back riding passenger must not be a minor, a senior citizen or a person with disability; and
 - 3. Back rider must not be under the influence of liquor.
- f. Carriers for baggage's and other cargoes shall be placed on top of the side-car.
- g. Durable transparent plastic or any similar contrivance must be used as a sidecar windshield and must be free from unauthorized stickers and paintings that will obstruct the outside view of the passenger.
- h. Stickers or paintings of any kind on the windshield that obstruct vision shall not be allowed.
- i. The body number at the front portion of the side car shall be properly illuminated or lighted by two small lights for easy identification.
- j. Any tricycle driver operator who does not wish to convey passengers at any given period during the day must place on the front windshield of his sidecar the sign: "ON SERVICE" or "ON CALL", for the information of the general public.
- k. Every tricycle unit shall have a trash can.

SECTION 14. CONDITIONS FOR DRIVERS. Only drivers duly issued a Professional Driver's License with a Restriction Code I duly issued by the LTO shall be allowed to drive motorized tricycle for hire or private tricycles. The Sanggunian may at its sound judgment conduct seminars in coordination with LTO, Traffic Enforcement Unit and other concerned agencies to drivers/operators and grant driving accreditation after complying with the requirements set by TTMU.

Tricycle drivers must likewise be tidy and neat in appearance when conveying passengers to impress the dignity and importance of their chosen occupation, as well as promote tourism industry. Wearing of slippers or driving barefoot, wearing sleeveless shirts shall not be allowed.

Tricycle drivers shall at all times be courteous, respectful and law abiding and observant of existing traffic rules and regulations. No driver shall be allowed to operate and drive a motorized tricycle while under the influence of liquor or prohibited drugs.

SECTION 15. PAYMENT OF FEES. The fees herein prescribed shall be collected by the municipal treasurer. A franchise fee shall be imposed by the Sangguniang Bayan for every unit authorized to operate. The following fees shall be paid upon filing of application for a term of three (3) years:



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a. Motorized Tricycle Operator’s Permit (valid for 3 years)	450.00
b. Mayor’s Permit (Annually)	200.00
c. MTOP Plate Number	100.00
d. Cost of Identification Card (ID)	80.00
e. Sticker (color coded)	50.00
f. Police Clearance (Annually)	100.00
g. Change of Motor	100.00
h. Change of Ownership	200.00

If the fee is not paid within the prescribed period, a surcharge equivalent to twenty five (25%) percent of the amount due shall be imposed thereon.

Any amount collected shall accrue to the General Fund of the municipality.

SECTION 16. SPECIFIC IMPOSITIONS AND THEIR PENALTIES. The following penalties are hereby imposed on erring motorized tricycle operators and drivers.

- a. *Operating Without Franchise/Fake Franchise.* No tricycle for hire shall operate within the territorial jurisdiction of the municipality unless it has secured an approved franchise/MTOP. Any driver/operator found driving/operating a motorized tricycle without Franchise or fake franchise shall suffer the penalty of fine in the amount of One Thousand (1,000) Pesos.
- b. *Unauthorized Transfer of Franchise.* Any franchise/MTOP holder who shall cause the transfer of ownership of franchise or who shall allow another to use his/her franchise without first securing authority from the Sangguniang Bayan as provided in Section 7 hereof shall suffer the penalty of fine in the amount of Five Hundred (500) Pesos. In addition, the franchise shall be immediately cancelled/revoked.
- c. *Use of Franchise Belonging to Another Person.* Any person who shall use the franchise/MTOP belonging to or registered in the name of another person shall suffer the penalty of fine in the amount of Five Hundred (500) Pesos.
- d. *Use of tricycle in the commission of crimes.* Any tricycle for hire with approved franchise who is found to have been used in the commission of a crime shall cause the immediate revocation/cancellation of franchise, without prejudice to the filing of appropriate cases in court.

In addition to the fines imposed for any of the violations committed in this section, the unit/s shall be impounded and released upon payments of the impounding fee to cover for its safekeeping.

Any driver or operator found violating any of the provisions of this Ordinance for which penalties are not specified in this section shall be penalized by a fine of Five Hundred Pesos (500.00) for every violation.

SECTION 17. SEPARABILITY CLAUSE. If for any reason, any section or provision of this Ordinance shall be held to be unconstitutional or invalid by competent authority, such judgment or action shall not affect or impair the other sections or provisions thereof.

SECTION 18. APPLICABILITY CLAUSE. All other matters relating to the impositions in this Ordinance shall be governed by pertinent provisions of existing laws and other ordinances.



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SECTION 19. REPEALING CLAUSE. All ordinances, rules and regulations, or part thereof, in conflict with, or inconsistent with any provisions of this Ordinance are hereby repealed or modified accordingly.

SECTION 20. EFFECTIVITY. This ordinance shall take effect ten (10) days after posting and publication as required under Section 59 of RA 7160.

SO ORDAINED.

CARRIED, PASSED AND APPROVED BY UNANIMOUS VOTES OF ALL THE MEMBERS PRESENT ON JANUARY 29, 2020.


I hereby certify to the correctness of the afore–quoted Ordinance.


IVY G. GEMARINO
Secretary to the SB

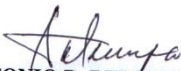
ATTESTED:


PAUL VINCENT G. DE LA CRUZ
Municipal Vice-Mayor /Presiding Officer

Approved:


EMMANUEL C. GALILA
Municipal Mayor

AFFIRMATIVE VOTES:


ANTONIO D. DELUMPA
Councilor


MARILYN G. EDANG
Councilor


WILLO M. GABATON
Councilor


SUSANA G. GALLENTES
Councilor


JASON E. JAVIER
Councilor


FELIX G. NAVA
Councilor


FELIX G. SERVANDO
Councilor


CECILIA E. ORTIZ
Councilor


JUN CESAR GALILA
LnB Vice Pres./Ex-Officio Member

NEGATIVE VOTE: NONE