

**REPUBLIKA NG PILIPINAS
TANGGAPAN NG SANGGUNIANG PANLUNGSOD
LUNGSOD NG BAKOLOD
-oOo-**

**CITY ORDINANCE NO. 08-15-753
August 18, 2015**

AN ORDINANCE AMENDING SECTIONS 2, 4 AND 9 OF CITY ORDINANCE NO. 185, SERIES OF 1997, OTHERWISE KNOWN AS "AN ORDINANCE REGULATING THE OPERATION OF MOTORIZED TRICYCLES AND GRANTING OF FRANCHISE FOR THE OPERATION THEREOF WITHIN THE TERRITORIAL JURISDICTION OF THE CITY OF BACOLOD AND PROVIDING PENALTIES THEREOF".

WHEREAS, City Ordinance No.185 Series of 1997 is "AN ORDINANCE REGULATING THE OPERATION OF MOTORIZED TRICYCLES AND GRANTING OF FRANCHISE FOR THE OPERATION THEREOF WITHIN THE TERRITORIAL JURISDICTION OF THE CITY OF BACOLOD AND PROVIDING PENALTIES THEREOF";

WHEREAS, the power to regulate and issue franchise to tricycles has already been devolved from the Land Transportation Franchising and Regulatory Board (LTFRB) to the Local Government Unit by virtue of Art. 99, Sec. 3 (vi) of Republic Act 7160, otherwise known as the Local Government Code of 1991;

WHEREAS, there is an urgent need to regulate the issuance of tricycle driver's licenses aside from the operation and issuance of franchises to tricycles in the City of Bacolod;

WHEREAS, road safety has become a critical issue in the Philippines. Directly, road accidents cause loss of life, personal injuries, and property damages. Indirectly, they affect the efficiency and performance of the country's road network and the quality of life of all residents. With previously experienced high economic growth and the continued increase in vehicle registration and their use on the road network, road fatality indices are growing in the Philippines compared to other countries in the ASEAN region (ASEAN Road Fatality Indices, 1993 and 2000);

WHEREAS, Republic Act No. 4136 or An Act to Compile the Laws Relative to Land Transportation and Traffic Rules, to Create a Land Transportation Commission and for Other Purposes, As Amended otherwise known as the "Land Transportation and Traffic Code", provided under Section 24 that:

SECTION 24. *Use of Driver's License and Identification Card. - Every license issued under the provisions of this Act to any driver shall entitle the holder hereof, while the same is valid and effective, to operate motor vehicles described in such license. Provided, however, that every licensed professional driver, before operating a public utility vehicle registered under classification (b) of Section 7 hereof, as amended by Batas Pambansa Bilang 74, shall secure from the Director, upon the payment of the sum of Five Pesos, a driver's identification card which he shall, at all times while so operating a public utility vehicle, display in plain sight in the vehicle being operated. The*



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identification card shall be issued simultaneously with the license. It shall be unlawful for any duly licensed driver to transfer, lend or otherwise allow any person to use his license for the purpose of enabling such person to operate a motor vehicle. No owner of a motor vehicle shall engage, employ, or hire any person to operate such motor vehicle, unless the person sought to be employed is a duly licensed professional driver.

WHEREAS, the City of Bacolod is a Center of Excellence for Information Technology and Business Process Management in the country today. This means we have a conducive business environment marked with favorable peace and order conditions and providing safe and secure working conditions even for nighttime workers and the public in general on a 24/7 basis.

NOW, THEREFORE, be it ordained by the Sangguniang Panlungsod of the City of Bacolod in session assembled, that:

Section 1. DEFINITION OF TERMS.

Section 2 of City Ordinance No. 185 Series of 1997 shall be amended to include, as follows:

- e) **MOTORIZED TRICYCLE DRIVERS PERMIT (MTDP)** - is the document granting license to drive, issued to a natural, allowing himself to drive a tricycle for hire over zones specified under the Motorized Tricycle Operators Permit (MTO) of the particular tricycle.
- f) **MOTORIZED TRICYCLE DRIVERS PERMIT CODE (MTDPC)** - the 4 characters alpha-numeric code which corresponds to the MTDP of the licensed driver which shall be posted in the tricycle which he or she is driving, and must be highly visible to the passenger and the public.
- g) **MTDP RECORD BOOK** - a record book to be maintained by the corresponding tricycle operators and drivers association (TODA) to record the MTDPC of drivers in their area.
- h) **NIGHTTIME SHIFT** - nighttime shift means to drive a tricycle for hire from 6 o'clock in the evening to 6 o'clock in the morning.
- g) **RESIDENCY** - the state of having a permanent address in the City of Bacolod for a period of no less than One (1) year and existing at the time of the application for MTDP.

Section 2. REQUIREMENTS FOR THE GRANT OF MTO.

Section 4 of City ORDINANCE No. 185 Series of 1997 shall be amended, as follows:

Section 4. REQUIREMENTS FOR THE GRANT OF MTO

- a) *The applicants for MTO shall file his application in Five (5) copies with the Traffic Division of the Bacolod City Police Office together with the original copy of the Registration Papers from the Land Transportation Office including a certification from the Punong Barangay certifying to the residency of the applicant and the original copy of insurance coverage showing a common carriers insurance sufficient to answer for any liability it may incur to passenger and third parties in case of accident.*

The applicant shall also submit all the names and personal details of authorized drivers of said vehicles including the following requirements:

- 1) Certification from the Punong Barangay certifying to the residency of the driver/s
 - 2) Driver's Motorized Tricycle Drivers Identification (MTDIC)
 - 3) Certificate of Drug Testing
 - 4) NBI and/or Police Clearance
 - 5) City Prosecutor's Clearance
 - 6) City Health Office Clearance
 - 7) Professional Driver's License 1 (For Hire)
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- b) The Traffic Division of the Bacolod City Police Office after verifying the authenticity of the Applicant's documents and payment of the appropriate filing fee, shall forward the said documents to the City Mayor for approval.
 - c) Within Thirty (30) days from the approval of the application, the franchisee must convert the registration of his motorcycle unit from 'Private' to 'For Hire' with the Land Transportation Office.
 - d) The Traffic Division of the Bacolod PNP will request a conversion, verification and confirmation from the LTO to ascertain conversion within the period stipulated.
 - e) With the conversion of the unit from 'Private' to 'For Hire' as confirmed by the LTO, the City Mayor's Office shall issue the Motorized Tricycle Operator's Permit signed by the City Mayor stating all the conditions thereat.
 - f) The franchisee shall be required to pay all the franchise and other fees to the City Treasurer as enumerated in Section 6, the receipt of which shall be the basis for the PNP Traffic Division to issue a sider car number and a zone number.
 - g) Should the franchisee desire to suspend or completely stop its operation, the franchisee shall surrender both his/her side car number and zone number to the PNP.
 - h) Should the franchisee authorize a new driver/s after the approval or grant of the MTOP, the latter shall submit the name/s of the driver/s in accordance with the rules set forth in Section 4 Paragraph (a) abovementioned.



Section 3. OPERATING CONDITIONS.

Section 5 of City Ordinance No. 185 Series of 1997 shall be amended, as follows:

SECTION 5. OPERATING CONDITIONS:

- a) *For safety reasons, no tricycle shall operate on national highways utilized by 4-wheel vehicles and where normal speed exceeds 40 KPH. However, the Sangguniang Panlungsod may provide exceptions if there is no other alternative route.*
- b) *Tricycles shall ply only within their approved zones as authorized in their respective MTOP. Drivers shall only ply within approved zones as authorized in their respective MTDP. Where proposed zone has an origin in one Barangay and a destination in another, or an intervening point in its territory, the joint approval of the Barangay Councils shall be sought and both Barangay Councils shall have jurisdiction over the areas covered by zone. Each barangay shall maintain a directory of the names of drivers issued MTDP in their respective areas.*
- c) A common color, which is yellow for all tricycles operating in the City shall be imposed. Each Unit shall be assigned a side car number and zone number by the PNP Traffic Divisions aside from its LTO License plate number. Each unit shall bear the name of the route/barangay on its bumper in bold, black and printed letters.
- d) The Bacolod Traffic Authority Office (BTAO) shall issue the Driver's Motorized Tricycle Drivers Identification Card (MTDIC) which shall bear the full and valid name of the driver, his age, residence and contact details.
- e) The MTOP shall be valid for three (3) years, renewable for the same period. Transfer to another zone, change of ownership of unit or transfer of MTOP shall be referred back to the Mayor's Office for proper amendment and payment of appropriate filing fee for amendment of MTOP to the City Treasurer.
- f) Operators shall employ only drivers duly licensed by the LTO for tricycles and have a corresponding MTDP in compliance with this ordinance. Violation hereof shall be subject to cancellation of MTOP and MTDP in the case of the driver.
- g) Each driver with a duly-issued Motorized Tricycle Drivers Permit Code (MTDPC) shall post in the tricycle which he or she is driving, and must be highly visible to the passenger/s and the public. The driver shall not refuse to inform the passenger before alighting his/her MTDPC and shall recognize the passenger/s right to send via SMS or other electronic means the same code.
- h) Each operator shall require their drivers to log on to MTDP Record Book which shall be maintained by the corresponding Tricycle Operators Drivers Association (TODA) to record the MTDPC of drivers in their area.



- i) Each operator shall report on a quarterly basis the names of the drivers who are operating their tricycles during nighttime shift.
- j) Enforcement of this Ordinance shall be under the jurisdiction of the Bacolod Traffic Authority Office (BTAO) and duly-elected barangay officials.

Section 4. OPERATING CONDITIONS.

Section 9 of City Ordinance No. 185 Series of 1997 shall be amended, as follows:

SECTION 9. PENALTIES.

The following administrative penalties shall be imposed for violations of this ordinance:

- g) For driving without, tampering or defacing Motorized Tricycle Drivers Identification Card (MTDIC), the driver shall pay Five Hundred Pesos (P500.00) per offense.*

Section 5. SEPARABILITY CLAUSE. Should any portion of this Ordinance be declared ultra vires unconstitutional by competent authority, the remainder not so affected shall continue to be in full force and effect insofar as it is susceptible to enforcement and application.

Section 6. EFFECTIVITY. This ordinance shall be effective immediately upon approval.

CARRIED BY THE VOTE OF:

Affirmative :

Councilors : El Cid M. Familiaran, Jocelle Batapa-Sigue, Roberto M. Rojas,
Em L. Ang, Caesar Z. Distrito, Wilson C. Gamboa, Jr.,
Sonya M. Verdeflor, Ana Marie V. Palermo and Noli B. Villarosa.

Absent: None

Official Leave: Councilors Carlos Jose V. Lopez and
Claudio Jesus Raymundo A. Puentevella.

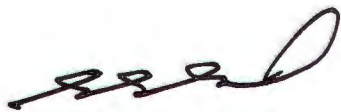
Main Author: Councilor Jocelle Batapa-Sigue

Co Authors: Councilors Wilson C. Gamboa, Jr., Alex A. Paglumotan
and Archie S. Baribar



Passed: August 18, 2015
111th Regular Session

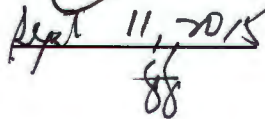
Comment: **P a s s e d.**
Councilors Archie S. Baribar and Alex A. Paglumotan were not yet
around when this ordinance was passed.



GREG G. GASATAYA
Vice Mayor
Presiding Officer

ATTESTED:


ATTY. VICENTE C. PETIERRE III
Secretary to the Sanggunian

APPROVED:


Sept 11, 2015
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MONICO O. PUENTEVELLA
City Mayor

VCP/HPL/jpb

SP
LEGISLATIVE SERVICES SECTION
DATE Sept-11/15 TIME 3:05 PM
BY: Janette Barredo

